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INSTRUMENTS  
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**Part III**  
(in two Sections)

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# PREFACE

## *Scope and arrangement of the Volume*

1. *The Annual Volume of Statutory Instruments* is published in pursuance of the Statutory Instruments Regulations 1947(a), reg. 10. It gives the full text of all statutory instruments registered in the year concerned(b) which were classified as general, and gives particulars of those which were classified as local (as to this classification, see para. 6, below). Other instruments are contained in the Appendix (as to which see para. 3, below).

2. From the start of the series in 1890 until 1960, the general instruments in the Annual Volume were arranged according to their subject headings. In and since the Annual Volume for 1961, however, they have been arranged according to their S.I. numbers, that is to say, in the order of their registration as statutory instruments. The change has made it possible to publish successive Parts of the Volume as the contents of each are completed, and so to obviate the (unavoidable) delays in publication of the complete Volume previously experienced. Each volume is now in three Parts, containing the instruments registered between 1st January and 30th April, 1st May and 31st August, and 1st September and 31st December respectively, and each part is normally published within four or five months of the closing date for the material included in it.

## *Contents of the Volume*

3. **Parts I and II.** At the beginning of each of these Parts is a list of the instruments whose text is contained in that Part, showing their S.I. numbers, titles or descriptions, and subject headings(c). The list is followed by the text of the statutory instruments registered in the relevant period and an **Appendix of Instruments not Registered as S.I.** issued in that period.

This Appendix contains Orders in Council issued under the royal prerogative or otherwise outside the definition of a statutory instrument, Letters Patent under the Great Seal, and Instructions passed under the Royal Sign Manual and Signet, which relate to the constitutions or the currency of overseas territories, or to appeals to the Judicial Committee of the Privy Council. It also contains all Royal Proclamations which are legislative and instruments (not S.I.) relating to War Pensions.

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(a) S.I. 1948/1 (Rev. XXI, p. 498: 1948 I, p. 4002).

(b) Reg. 3 of the Statutory Instruments Regulations 1947 provides for instruments to be numbered in a separate series for each calendar year. It is also the practice that instruments made by the Secretary of State for Scotland, and other instruments relating only to Scotland, bear a second number with the letter "S" prefixed. Those relating to procedure or fees in courts in England or Wales bear a second number with the letter "L" prefixed. Those relating to commencement dates of statutes or parts of statutes bear a second number with the letter "C" prefixed.

(c) These subject headings are those under which the statutory powers by virtue of which the instruments were made appear in the *Index to Government Orders* (as to which, see para. 9 below); and the same classification also determines the subject heading printed at the head of each instrument on the copies sold singly as Queen's Printer's copies.

At the end of each of these Parts is a Table showing the modifications to legislation and an Index. Each Table is confined to the instruments in its own Part. The Table gives particulars of those Public General Acts and instruments which have been amended, extended, excluded, repealed or revoked by instruments in the Part. The Index to Part II will be cumulative to both Parts.

4. **Part III.** At the beginning is a list of the instruments in Part III similar to the lists in Parts I and II. It is followed by the text of the instruments comprising Part III, as in Parts I and II.

At the end of Part III are the features which are required by reg. 10 of the Statutory Instruments Regulations 1947 to be included in the Annual Volume of Statutory Instruments. They cover the instruments in all three Parts. In the order in which they occur in the Volume, they are as follows:—

The **Classified List of Local Instruments** gives particulars, the dates of making, and the S.I. numbers, of all local statutory instruments registered in the S.I. series of the year to which the Annual Volume relates. They are grouped in classes according to their subject-matter.

The **Tables.** “Table A” gives particulars of the Public General Acts of Parliament and “Table B” particulars of statutory and other instruments the operation of which was affected by the instruments appearing in the Volume. They include the appropriate part of the information (amended, repealed, revoked, etc.) already given in the “Table of Modifications to Legislation” in Parts I and II, and corresponding information with respect to the instruments in Part III, but also give particulars of Acts or instruments respectively applied, with or without modification, or restricted, by general instruments throughout the Volume. In addition, Table B gives particulars of general instruments whose operation was affected expressly by Public General Acts of the year in question, or which ceased to operate through becoming spent during that year as a result of legislation of the year.

The **Numerical and Issue List** shows, in order of S.I. numbers, other particulars of all general statutory instruments and all local instruments which were printed and put on sale by the Queen’s Printer of Acts of Parliament under the provisions of the Statutory Instruments Act 1946(a), during the year, with, in each case, the date of making and the date of first issue by H.M. Stationery Office.

The **Index** will be cumulative to Parts I and II.

#### *Definition and classification of statutory instruments*

5. To determine whether or not any instrument is required to be a statutory instrument, reference must be made to the Statutory Instruments Act 1946, s. 1, the Statutory Instruments Regulations 1947, reg. 2 (made under s. 8 (1) (d) of that Act) and the Statutory Instruments (Confirmatory Powers) Order 1947(b), arts. 1 and 2 (made under s. 9 (1) of the Act).

It will be observed that, by s. 1 (2) of the Act and reg. 2 (1) of the Regulations, the definition of what constitutes a statutory instrument, as respects instruments made under any Act passed before the commencement of the Statutory Instruments Act 1946, is governed by the definition of “statutory rules” and “rule-making authority” contained in the Rules Publication Act 1893(c), the Act which was repealed and replaced by the Act of 1946.

(a) 9 & 10 Geo. 6. c. 36.

(b) S.I. 1948/2 (Rev. XXI, p. 504: 1948 I, p. 4008).

(c) 56 & 57 Vict. c. 66.

6. All statutory instruments are required to be classified as general or local (a). Those which are in the nature of public general Acts of Parliament are classified as general and those which are in the nature of local and personal or private Acts are classified as local. Exceptionally, a very small number of instruments, relating for the most part to London, which fall within the second category are classified as general and their text is reproduced in the Annual Volume.

### *Citation*

7. For purposes of citation, most statutory instruments are given a title. In addition, all statutory instruments may be identified by the year and number. The first instrument in Part I of this Volume would, by this method, be cited as "S.I. 1964/1". When a statutory instrument is referred to by its title in another statutory instrument, a lettered footnote is provided in the latter, giving the identification of the first instrument as above, and also its Part and page reference in the Annual Volume. The footnote reference for the same instrument would therefore be "S.I. 1964/1 (1964 I, p. 1)".

If the text of the instrument is set out in the most recent edition of *S.R. & O. and S.I. Revised* (Third Edition, as at 31st Dec., 1948) the footnote references give the volume reference in that edition as well as the page reference in the Annual Volume (see, for example, footnote (b) on the previous page). If a footnote contains the references of a number of instruments, they may in certain circumstances be run together, so as to give all the instrument numbers together and all the volume references together, e.g. "S.R. & O. 1946/157; S.I. 1948/1073, 1961/1942 (1946 II, p. 26; 1948 II, p. 13; 1961 III, p. 3650)".

### *Production in Court*

8. Under the Documentary Evidence Act 1868(b), s. 2, prima facie evidence of certain instruments (which include all instruments registered as S.I.) may be given in courts of justice, etc., by (inter alia) the production of a copy purporting to be printed by the Government Printer. The Documentary Evidence Act 1882(c), s. 2, provides that the same result shall follow if a copy is produced which purports to be printed under the superintendence or authority of H.M. Stationery Office. Any Part of this Volume may therefore be tendered as prima facie evidence of the instruments whose text is reproduced in it.

### *Up to date information on statutory instruments*

9. The *Index* (formerly "Guide") to *Government Orders* contains, under subject headings, summaries of all powers to make subordinate legislation conferred by statute on H.M. in Council, the Privy Council, government departments and certain other public bodies. Below each summary appear particulars of the general instruments made in exercise of it which were in force at the date of publication of the *Index*. Details are also given of certain instruments made under prerogative powers. The work contains also a Table of Statutes showing the subject headings under which references to particular sections of enabling Acts appear. (The *Index* is published every two years.)

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(a) See Statutory Instruments Regulations 1947, reg. 4.  
 (b) 31 & 32 Vict. c. 37. (c) 45 & 46 Vict. c. 9.

10. Information as to whether an instrument in any annual volume is still in operation may be obtained from a smaller publication, "*Numerical Table, S.R. & O. and S.I.*". This table, if kept up to date by means of its Supplements, shows all statutory instruments which were still in operation in England and Wales and in Scotland at 31st December last before the date of publication of the most recent of them. The edition current at the publication of this Volume is the second (H.M. Stationery Office, price 9s. 0d., net); it records instruments in force at 31st December, 1958. Supplements, which can be fixed into prepared guards in the binding, are published annually (H.M.S.O., 1s. 3d., net), with particulars of deletions and additions to be made for their respective years.

11. For particulars of the fate of instruments which have ceased to be in operation since 31st December, 1948 (the date of *S.R. & O. and S.I. Revised, Third Edition*) and have therefore been removed from the *Numerical Table, S.R. & O. and S.I.*, and also for particulars of any amendments to instruments which are still in operation, reference should be made to another publication, "*S.I. Effects*" (H.M.S.O.), published annually.

That publication shows which instruments have been revoked, which have been superseded, and which have become spent. Where any instrument has been amended, particulars of the articles, etc., affected are given; a reader who is interested only in particular provisions of the earlier instrument can ascertain from "*S.I. Effects*" whether or not he need consult the text of the amending instrument at all.

The editions covering the years 1949 to 1958 were cumulative; each reproduced the contents of previous editions as well as its own new material. Accordingly, "*S.I. Effects, 1958*" shows all annotations for those years. Editions since 1959 are cumulative to each other.

#### *Publication*

12. The Annual Volumes of Statutory Instruments are prepared under the direction of the Statute Law Committee.

Any suggestion or communication relating to them should be addressed to the Editor, Statutory Publications Office, Queen Anne's Chambers, 41, Tothill Street, S.W.1.

# ABBREVIATIONS USED IN THE VOLUME

<b>Addnl. Instructions</b>	...	Additional Instructions.
<b>A.S.</b>	...	Act of Sederunt.
<b>am., amdg., amdt.</b>	...	amended, amending, amendment.
<b>appl.</b>	...	applied.
<b>appx.</b>	...	appendix.
<b>art(s).</b>	...	article(s).
<b>bd(s).</b>	...	board(s).
<b>c.</b>	...	chapter(s).
<b>cl(s).</b>	...	clause(s).
<b>Cmd., Cmdn.</b>	...	Command Paper.
<b>cont.</b>	...	continued.
<b>ct(s).</b>	...	court(s).
<b>E.</b>	...	England.
<b>exc.</b>	...	except, excepted.
<b>excl.</b>	...	excluded.
<b>expl.</b>	...	explained.
<b>ext.</b>	...	extended.
<b>G.B.</b>	...	Great Britain.
<b>gen.</b>	...	generally.
<b>govt.</b>	...	government.
<b>H.C.</b>	...	House of Commons Paper.
<b>H.M.</b>	...	Her Majesty, Her Majesty's.
<b>incl.</b>	...	including, included.
<b>instrt.</b>	...	instrument.
<b>L.P.</b>	...	Letters Patent.
<b>Min(s).</b>	...	Minister(s).
<b>mod., mod(s).</b>	...	modified, modification(s).
<b>N.</b>	...	North.
<b>N.I.</b>	...	Northern Ireland.
<b>No.</b>	...	number.
<b>O.</b>	...	Order(s).
<b>O. in C., O. of C.</b>	...	Order(s) in Council, Order(s) of Council.
<b>p., pp.</b>	...	page(s).
<b>para(s).</b>	...	paragraph(s).
<b>partic.</b>	...	particular.
<b>prerog.</b>	...	prerogative.
<b>prosp.</b>	...	prospectively.
<b>prov.</b>	...	provisional, proviso.
<b>pt.</b>	...	part.
<b>r., rr.</b>	...	rule, rules.
<b>R.C.</b>	...	Rules of the Court of Session.
<b>R. Instructions</b>	...	Royal Instructions.
<b>R. Warrant</b>	...	Royal Warrant.
<b>reg(s).</b>	...	regulation(s).
<b>rep.</b>	...	repealed.
<b>restr.</b>	...	restricted.
<b>retrosp.</b>	...	retrospectively.
<b>Rev.</b>	...	Statutory Rules and Orders and Statutory Instruments Revised (Third Edition, 1948).
<b>Rev. 1903</b>	...	Statutory Rules and Orders Revised (Second Edition, 1903).
<b>rev., revn.</b>	...	revoked, revocation.
<b>S.</b>	...	Scotland.
<b>s., ss.</b>	...	section(s).
<b>S.I.</b>	...	statutory instrument(s).
<b>S.R. &amp; O.</b>	...	statutory rule(s) and order(s).
<b>sch(s).</b>	...	schedule(s).
<b>secy.</b>	...	secretary.
<b>subst.</b>	...	substituted.
<b>susp.</b>	...	suspended.
<b>temp.</b>	...	temporarily.
<b>transfd.</b>	...	transferred.
<b>Treas.</b>	...	Treasury.
<b>U.K.</b>	...	United Kingdom of Great Britain and Northern Ireland.
<b>vol.</b>	...	volume.
<b>W.</b>	...	Wales.



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**STATUTORY INSTRUMENTS**  
**1964**  
**PART III**





## 1964 No. 1383

## WAGES COUNCILS

## The Wages Regulation (Hat, Cap and Millinery) Order 1964

*Made* - - - - 31st August 1964

*Coming into Operation* 18th September 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Hat, Cap and Millinery Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Hat, Cap and Millinery) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 18th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Hat, Cap and Millinery) (Scotland) Order 1961(c), the Wages Regulation (Hat, Cap and Millinery) (England and Wales) Order 1961(d) and the Wages Regulation (Hat, Cap and Millinery) (England and Wales) (Amendment) Order 1962(e), shall cease to have effect.

Signed by order of the Minister of Labour 31st August 1964.

*W. S. I. Whitelaw,*  
Parliamentary Secretary,  
Ministry of Labour.

## SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Hat, Cap and Millinery) (Scotland) Order 1961 (Order H.M.S. (53)) and the Wages Regulation (Hat, Cap and Millinery) (England and Wales) Order 1961 (Order H.M. (56)) as amended by the Wages Regulation (Hat, Cap and Millinery) (England and Wales) (Amendment) Order 1962 (Order H.M. (58)).

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/661 (1961 I, p. 1397).

(d) S.I. 1961/653 (1961 I, p. 1387).

(e) S.I. 1962/1612 (1962 II, p. 1876).

## PART I

## GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies for all work except work to which a minimum overtime rate applies under Part V of this Schedule is:—

(a) in the case of a time worker, the hourly general minimum time rate;

(b) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the hourly piece work basis time rate.

(2) In this Schedule:—

“HOURLY GENERAL MINIMUM TIME RATE” means the general minimum time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

“HOURLY PIECE WORK BASIS TIME RATE” means the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule divided by 42.

## PART II

## MALE WORKERS

## GENERAL MINIMUM TIME RATES

2. The general minimum time rates applicable to male workers are as follows:—

	Per week of 42 hours s. d.
(1) Cutters, blockers, body makers or finishers, stiffeners or shapers employed in a section of the trade other than the felt hat section ... ..	189 5
(2) Workers employed in the felt hat (wool) section of the trade on any of the operations of— hardening; planking processes of barrel twisting, hand planking or hand stretching; proofing (head man only); dyeing (head man only); blocking (other than coning when the operation is preparatory to blocking); pressing; finishing; curling; flanging; cutting; ironing and paring; velouring; if they have worked in any section of the trade on one or more of such operations for at least 3 years after the age of 18 years ... ..	189 5
(3) Workers employed in the felt hat (fur) section of the trade on any of the operations of— forming; hardening; planking; proofing (head man only); dyeing (head man only); blocking; pressing; finishing; brushing; curling and steaming; flanging; cutting; ironing and paring; trimming; velouring; if they have worked in any section of the trade on one or more of such operations for at least 3 years after the age of 18 years ... ..	189 5

	Per week of 42 hours s. d.
(4) All other workers—	
Aged 21 years or over ... ..	171 2
" 20 and under 21 years ... ..	151 2
" 19 " " 20 " ... ..	137 5
" 18 " " 19 " ... ..	123 9
" 17 " " 18 " ... ..	110 1
" 16 " " 17 " ... ..	95 5
" under 16 years ... ..	79 0

Provided that the general minimum time rate applicable during his first year's employment in the trade to a worker specified in this sub-paragraph, who enters, or has entered, the trade for the first time at or over the age of 19 years shall be:—

During the first six months of such employment ...	125 7
" " second " " " " " " ...	133 9

#### PIECE WORK BASIS TIME RATES

3. The piece work basis time rates applicable to male workers of any age employed on piece work are—

	Per week of 42 hours s. d.
(1) Workers specified in sub-paragraph (1), (2) or (3) of paragraph 2 ... ..	200 5
(2) All other workers ... ..	182 2

### PART III

#### FEMALE WORKERS

FEMALE WORKERS IN ALL BRANCHES OF THE TRADE OTHER THAN THE RETAIL BRANCH IN SCOTLAND

#### GENERAL MINIMUM TIME RATES

4. The general minimum time rates applicable to female workers other than those referred to in paragraph 6 are as follows:—

	Per week of 42 hours s. d.
(1) Learners during the following periods of employment in the trade:—	
1st six months ... ..	72 8
2nd " " ... ..	80 10
2nd year ... ..	99 1
3rd " ... ..	112 9

Provided that a learner who enters, or has entered, the trade for the first time at or over the age of 18 years, shall be treated for the purpose of this sub-paragraph as though she had, at the date of her entry, completed 2 years of employment as a learner in the trade.

(2) All other workers ... ..	132 8
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## PIECE WORK BASIS TIME RATE

	Per week of 42 hours s. d.
5. The piece work basis time rate applicable to female workers other than those referred to in paragraph 7 of any age employed on piece work is ... ..	141 10

## FEMALE WORKERS IN THE RETAIL BRANCH OF THE TRADE IN SCOTLAND

## GENERAL MINIMUM TIME RATES

6. The general minimum time rates payable to female workers employed in the retail branch of the trade, in Scotland, are as follows:—

	Per week of 42 hours s. d.
(1) Learners during the following periods of employment in the trade:—	
1st six months ... ..	72 8
2nd " " ... ..	80 10
2nd year ... ..	99 1
3rd " ... ..	112 9
(2) All other workers ... ..	132 8

## PIECE WORK BASIS TIME RATE

	Per week of 42 hours s. d.
7. The piece work basis time rate applicable to female workers of any age employed on piece work in the retail branch of the trade in Scotland is ... ..	141 10

## PART IV

## EXPERIENCE UNDER THE GOVERNMENT VOCATIONAL TRAINING SCHEME

8. Where any worker has completed a full course of training as a machinist in the cloth hat and cap section of the trade under the Government Vocational Training Scheme for resettlement training, such period of training shall, for the purpose of reckoning the period of the worker's employment in the trade, be treated as if it were—

- (1) in the case of a female worker, a period of 3 years' employment as a learner in the trade, or
- (2) in the case of a male worker, a period of at least one year's employment in the trade at or over the age of 21 years.

## PART V

## OVERTIME RATES AND WAITING TIME

## ALL BRANCHES OF THE TRADE OTHER THAN THE RETAIL BRANCH OVERTIME

9. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 10 are payable to a worker other than a worker employed in the retail branch of the trade in respect of any time worked:—

- (1) in excess of the hours following, that is to say:
  - (a) in any week ... .. 42 hours

- (b) on any day other than a Saturday, Sunday or customary holiday—  
 where the normal working hours exceed 8½ ... .. 9 hours  
 or  
 where the normal working hours are not more than  
 than 8½ ... .. 8½ hours
- (2) on a Saturday, Sunday or customary holiday.

### MINIMUM OVERTIME RATES

10.—(1) Minimum overtime rates are payable to any worker other than a worker employed in the retail branch of the trade as follows:—

- (a) on any day other than a Sunday or customary holiday—  
 (i) for the first 2 hours of overtime worked ... time-and-a-quarter  
 (ii) for the next 2 hours ... .. time-and-a-half  
 (iii) thereafter ... .. double time

- (b) on a Sunday or customary holiday—  
 for all time worked ... .. double time

Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday", except where such substitution is unlawful.

- (c) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 42 hours ... time-and-a-quarter

- (2) The minimum overtime rates set out in sub-paragraph (1)(a) or (b) of this paragraph are payable in any week whether or not the minimum overtime rate set out in sub-paragraph (1)(c) is also payable.

### RETAIL BRANCH OVERTIME

11. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 12 are payable to workers in the retail branch of the trade as follows:—

- (1) in any week,  
 for all time worked in excess of ... .. 42 hours

- (2) on any day other than a Saturday, Sunday or customary holiday,  
 for all time worked in excess of ... .. 8 hours

Provided that where the worker normally attends on five days only in the week, minimum overtime rates shall apply to all time worked after ... .. 9 hours

- (3) on a Saturday, not being a customary holiday,  
 (a) where the worker normally attends on six days in the week,  
 for all time worked in excess of ... .. 4 hours  
 (b) where the worker normally attends on five days only in the week,  
 for all time worked ;

- (4) on a Sunday or a customary holiday,  
for all time worked.

### MINIMUM OVERTIME RATES

12.—(1) Subject to the provisions of this Part of this Schedule, minimum overtime rates are payable to a worker in the retail branch of the trade as follows:—

(a) on any day other than a Saturday, Sunday or customary holiday—

- |   |                    |
|---|--------------------|
| (i) for the first two hours worked in excess of |                    |
| 8 hours ... ..                                  | time-and-a-quarter |
| (ii) thereafter ... ..                          | time-and-a-half    |

Provided that where the worker normally attends on five days only in the week, the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively;

(b) on a Saturday, not being a customary holiday—

- |   |                    |
|---|--------------------|
| (i) where the worker normally attends on six days in the week—        |                    |
| for all time worked in excess of 4 hours ...                          | time-and-a-half    |
| (ii) where the worker normally attends on five days only in the week— |                    |
| for the first 2 hours worked ... ..                                   | time-and-a-quarter |
| for the next 2 hours worked ... ..                                    | time-and-a-half    |
| thereafter ... ..   | double time        |

(c) on a Sunday or a customary holiday—

for all time worked ... ..	double time
----------------------------	-------------

(d) in any week, exclusive of any time in respect of which a minimum overtime rate is payable under the foregoing provisions of this sub-paragraph—

for all time worked in excess of 42 hours ...	time-and-a-quarter
---	--------------------

(2) the minimum overtime rates set out in sub-paragraph (1)(a), (b) or (c) of this paragraph are payable in any week, whether or not the minimum overtime rate set out in sub-paragraph (1)(d) of this paragraph is also payable.

(3) Where the worker normally attends on Sunday and not on Saturday, for the purposes of this Part of this Schedule (except where such attendance is unlawful), Saturday shall be treated as a Sunday and subject to the provisions of sub-paragraph (4) of this paragraph, Sunday as a Saturday.

(4) Where the worker normally attends on six days in the week and an ordinary weekday is substituted for Saturday or, in a case where the provisions of sub-paragraph (3) of this paragraph apply, for Sunday, as the worker's weekly short day, for the purposes of this Part of this Schedule (except where such substitution is unlawful) that ordinary weekday shall be treated as a Saturday and Saturday or Sunday, as the case may be, as an ordinary weekday.

(5) Where the worker normally attends on five days only in the week, including Saturday, a weekday on which he normally does not attend shall, for the purposes of this Part of this Schedule, be treated as a Saturday, and Saturday as another weekday.

**13. In this Part of this Schedule—****(1) the expression “ customary holiday ” means:—****(a) In England and Wales—**

- (i) Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ; or
- (ii) in the case of each of the said days a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

**(b) In Scotland—**

- (i) New Year's Day (or the following day if New Year's Day falls on a Sunday) ;

the local Spring holiday ;

the local Autumn holiday :

Provided that, where in any establishment it is not the custom or practice to observe all or any of such days as holidays, another day or other days, not fewer in number, may, by agreement between the employer and the worker, be substituted therefor ; and

- (ii) three other days to be agreed between the employer and the worker.

**(2) the expressions “ time-and-a-quarter ”, “ time-and-a-half ” and “ double time ” mean, respectively—**

- (a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker ;

**(b) in the case of a piece worker—**

- (i) a time rate equal to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker and, in addition thereto,
- (ii) piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the said hourly piece work basis time rate.

**WAITING TIME****14.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—**

- (a) without the employer's consent, express or implied ;
- (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
- (c) by reason only of the fact that he is resident thereon ;
- (d) during normal meal times in a room or place in which no work is being done and he is not waiting for work to be given to him to perform.

- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.



## PART VI

## INTERPRETATION

15. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- (1) “the trade” means the trade specified in paragraph 17.
- (2) “the retail branch” means that branch of the trade in which the employer supplies the article direct to the individual wearer and employs the worker direct.

(3) A cutter is a male person who—

(a) is employed in a section of the trade, other than the silk hat section, on one or more of the operations of marking in or cutting any kind of material, laying up, hooking up or stripping and,

(b) for not less than 3 years after the age of 18 years has been employed in any section of the trade mainly on one or more of the last mentioned operations:

Provided that the work of a cutter shall not include the cutting of cloth or other textile materials for stitchers of hat leathers or for use as hat linings.

(4) A blocker, body maker, or finisher is a male person who is employed on one or more of the operations of—

(a) covering, pulling-on, or blocking hats or caps ; or

(b) blocking straws, hoods or shapes, of any materials : or

(c) making shapes by means of a gas block ;

and for not less than 3 years after the age of 18 years has been employed in any section of the trade mainly on one or more of the last mentioned operations.

(5) A stiffener is a male person who is employed in stiffening and has been employed in any section of the trade mainly in stiffening for not less than 3 years after the age of 18 years.

(6) A shaper is a male person who is employed in putting into shape by hand work the brim part of any hat or helmet which is made on a body or foundation of any material, and has been so employed in any section of the trade for not less than 3 years after the age of 18 years.

(7) A learner means a female worker who is employed by an employer who provides her with reasonable facilities for learning, practically and efficiently, any branch of the trade or the various processes involved in the making of any of the articles specified in the definition of the trade referred to in paragraph 17.

## PART VII

## WORKERS TO WHOM THIS SCHEDULE APPLIES

16. This Schedule shall not apply to workers employed as machinists in the cloth hat or cap section of the trade during any period in respect of which they are in receipt of allowances as provided under the Government Vocational Training Scheme for resettlement training if they are trainees who have been placed by the Ministry of Labour with the employer for a period of approved training and if the requirements of the said scheme are duly complied with.

17. Subject to the provisions of paragraph 16, this Schedule applies to workers in relation to whom the Hat, Cap and Millinery Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Hat, Cap and Millinery Wages Councils (Abolition and Establishment) Order 1963(a), that is to say:—

“All workers employed in Great Britain in the making from any material of men’s women’s or children’s headgear, or the trimming thereof; including:—

Warehousing, packing or other operations incidental to or appertaining to the making or trimming of men’s women’s or children’s headgear; but excluding:—

- (1) The casting and making of solid metal helmets;
- (2) The making of rubberised or oilskin headgear where carried on in association with or in conjunction with the making of other rubberised or oilskin articles;
- (3) The making of nurses’ or servants’ caps, chefs’ caps, hospital ward caps, or similiar articles;
- (4) The making of field bonnets, sun bonnets, boudoir caps, or infants’ millinery where carried on in association with or in conjunction with the making of dresses, non-tailored skirts, wraps, blouses, blouse-ropes, jumpers, sports coats, neckwear, tea-gowns, dressing-gowns, dressing-jackets, pyjamas, under-clothing, under-skirts, aprons, overalls, nurses’ and servants’ caps, juvenile clothing, baby linen or similar articles;
- (5) The making of fur hats, where made in association with or in conjunction with the manufacture of furs or furriers’ skins into garments, rugs or similar articles;
- (6) The making of knitted headgear and the making of headgear from knitted fabrics where carried on in association with or in conjunction with the manufacture of the knitted fabrics;
- (7) Warehousing and packing of men’s, women’s or children’s headgear and other similar operations carried on in shops mainly engaged in the retail distribution of articles of any description that are not made or trimmed on the premises.”

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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 18th September 1964, fixes the statutory minimum remuneration to be paid to workers in relation to whom the Hat, Cap and Millinery Wages Council (Great Britain) operates.

It also revokes the Wages Regulation (Hat, Cap and Millinery) (Scotland) Order 1961 (Order H.M.S.(53)), the Wages Regulation (Hat, Cap and Millinery) (England and Wales) Order 1961 (Order H.M.(56)) and the Wages Regulation (Hat, Cap and Millinery) (England and Wales) (Amendment) Order 1962 (H.M.(58)), Orders made to give effect to proposals submitted to the Minister by the Hat, Cap and Millinery Wages Council (Scotland) and the Hat, Cap and Millinery Wages Council (England and Wales) which Councils were abolished on 1st March 1963.

New rates are printed in italics.

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(a) S.I. 1963/122 (1963 I, p. 126).

1964 No. 1384

**WAGES COUNCILS****The Wages Regulation (Hat, Cap and Millinery)  
(Holidays) Order 1964***Made - - - - 31st August 1964**Coming into Operation 18th September 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Hat, Cap and Millinery Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Hat, Cap and Millinery) (Holidays) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 18th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation (Holidays) Order 1949(c) and the Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation (Holidays) Order 1949(d), shall cease to have effect.

Signed by order of the Minister of Labour 31st August 1964.

*W. S. I. Whitelaw,*  
Parliamentary Secretary,  
Ministry of Labour.

**SCHEDULE**

The following holidays and holiday remuneration shall be substituted for the holidays and holiday remuneration set out in the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation (Holidays) Order 1949 (Order H.M. (40)) and the Hat, Cap and Millinery Wages Council (Scotland) (Holidays) Order 1949 (Order H.M.S. (35)).

(a) 7 &amp; 8 Eliz. 2. c. 69.

(c) S.I. 1949/1533 (1949 I, p. 4397).

(b) 52 &amp; 53 Vict. c. 63.

(d) S.I. 1949/1645 (1949 I, p. 4409).

## PART I

## APPLICATION

1. This Schedule applies to every worker (other than a home-worker) for whom statutory minimum remuneration has been fixed.

## PART II

## CUSTOMARY HOLIDAYS

- 2.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (hereinafter referred to as a “customary holiday”) in each year on the days specified in the following sub-paragraph provided that the worker has worked for the employer throughout the last working day on which work was available to him immediately preceding the customary holiday.

- (2) The said customary holidays are:—

(a) in England and Wales—

- (i) Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ;  
or

- (ii) in the case of each of the said days, a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day ;

(b) in Scotland—

- (i) New Year's Day (or the following day if New Year's Day falls on a Sunday) ;

the local Spring holiday ;

the local Autumn holiday :

Provided that, where in any establishment it is not the custom or practice to observe all or any of such days as holidays, another day or other days, not fewer in number, may, by agreement between the employer and the worker, be substituted therefor ; and

- (ii) three other days to be agreed between the employer and worker.

- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon, and, in lieu of any such holiday on which he so works, the worker shall be entitled to be allowed a day's holiday (hereinafter referred to as a “holiday in lieu of a customary holiday”) on a weekday within the period of four weeks next ensuing.

- (4) A worker who is required to work on a customary holiday shall be paid:—

(a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday ; and

(b) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6.

## PART III

## ANNUAL HOLIDAY

3.—(1) In addition to the holidays specified in Part II of this Schedule an employer shall between the date on which this Schedule becomes effective and 30th September 1964, and in each succeeding year between 1st May and 30th September allow a holiday (hereinafter referred to as "an annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of employment (calculated in accordance with the provisions of paragraph 11) set out in the appropriate Column of the Table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

## Workers with a normal working week of 6 days

Period of employment										Duration of annual holiday
Not less than 48 weeks	...	...	...	...	...	...	...	...	...	12 days
" " " 44	"	but less than 48 weeks	...	...	...	...	...	...	...	11 "
" " " 40	"	" " " 44	"	...	...	...	...	...	...	10 "
" " " 36	"	" " " 40	"	...	...	...	...	...	...	9 "
" " " 32	"	" " " 36	"	...	...	...	...	...	...	8 "
" " " 28	"	" " " 32	"	...	...	...	...	...	...	7 "
" " " 24	"	" " " 28	"	...	...	...	...	...	...	6 "
" " " 20	"	" " " 24	"	...	...	...	...	...	...	5 "
" " " 16	"	" " " 20	"	...	...	...	...	...	...	4 "
" " " 12	"	" " " 16	"	...	...	...	...	...	...	3 "
" " " 8	"	" " " 12	"	...	...	...	...	...	...	2 "
" " " 4	"	" " " 8	"	...	...	...	...	...	...	1 day

## Workers with a normal working week of 5 days or less

Period of employment										Duration of annual holiday
Not less than 48 weeks	...	...	...	...	...	...	...	...	...	10 days
" " " 43	"	but less than 48 weeks	...	...	...	...	...	...	...	9 "
" " " 38	"	" " " 43	"	...	...	...	...	...	...	8 "
" " " 33	"	" " " 38	"	...	...	...	...	...	...	7 "
" " " 28	"	" " " 33	"	...	...	...	...	...	...	6 "
" " " 24	"	" " " 28	"	...	...	...	...	...	...	5 "
" " " 19	"	" " " 24	"	...	...	...	...	...	...	4 "
" " " 14	"	" " " 19	"	...	...	...	...	...	...	3 "
" " " 9	"	" " " 14	"	...	...	...	...	...	...	2 "
" " " 4	"	" " " 9	"	...	...	...	...	...	...	1 day

## (2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday to which a worker is entitled in any holiday season shall not exceed in the aggregate twice the period constituting the worker's normal working week ;

(b) where in any year a worker does not wish to take his annual holiday or part thereof during the current holiday season and, before the expiration of such holiday season, enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed after the expiration of the current holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall be treated as having been allowed during the current holiday season ;

(c) the duration of a worker's annual holiday during the holiday season ending on 30th September 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order H.M. (40) or of Order H.M.S. (35) between 1st May 1964, and the date on which this Schedule becomes effective.

(3) In this Schedule the expression " holiday season " means in relation to an annual holiday during the year 1964, the period commencing on 1st May 1964, and ending on 30th September 1964, and in relation to each subsequent year, the period commencing on 1st May and ending on 30th September in that year.

4. An annual holiday under this Schedule shall be allowed on consecutive working days and days of holiday shall be treated as consecutive notwithstanding that a Sunday or a customary holiday or a holiday in lieu of a customary holiday intervenes :

Provided that—

(1) where the duration of an annual holiday to which a worker is entitled exceeds the period constituting the worker's normal working week, the said holiday may be allowed in two separate periods of such consecutive working days one of which shall be not less than the period of his normal working week ;

(2) one day of the annual holiday may be allowed on a non-consecutive working day (other than the worker's weekly short day) falling within the holiday season (or after the holiday season in the circumstances specified in sub-paragraph (2)(b) of paragraph 3) where the said annual holiday or, as the case may be, such separate period, is allowed immediately after a customary holiday or so that such a holiday intervenes.

5. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

## PART IV

### HOLIDAY REMUNERATION

#### CUSTOMARY HOLIDAYS

6.—(1) For each day of holiday (including a holiday falling on a Saturday) to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the appropriate statutory minimum remuneration to which he would have been entitled as a time worker if the day had not been a day of holiday and he had been employed on work to which statutory minimum remuneration applies:—

(a) in the case of a worker normally employed for more than 30 hours a week, for 8½ hours, or

- (b) in the case of a worker normally employed for 30 hours a week or less, for  $4\frac{1}{2}$  hours.
- (2) Where a worker normally works in the week on every weekday except Saturday, he shall be paid in respect of any Saturday on which he would have been entitled to a holiday under Part II of this Schedule if it had been a day on which he normally worked, a sum equivalent to the holiday remuneration he would have been entitled to receive had he been allowed a holiday on that day.
- (3) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the pay week including the holiday are paid.
- (4) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid on the pay day on which the wages for the week including that holiday in lieu are paid : Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed such holiday in lieu of a customary holiday.

#### ANNUAL HOLIDAY

- 7.—(1) Subject to the provisions of paragraph 10, a worker entitled to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following Table:—

TABLE OF HOLIDAY REMUNERATION

Column 1 Period of annual holiday	Column 2 Holiday remuneration for workers with a normal working week of:—			Column 3 Holiday remuneration for full normal working week
	Six days	Five days	Four days or less	
12 days	Twice the amount in Col. 3	—	—	The amount which the worker would be entitled to receive from his employer, at the date of the holiday, for a week's work, if working his normal working week, and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate rate of statutory minimum remuneration for time work, fixed by a wages regulation order in respect of the worker, for work to which that order applies and at the same rate for work (if any) to which that order does not apply.
11 "	One and five-sixths times the amount in Col. 3	—	—	
10 "	One and two-thirds times the amount in Col. 3	Twice the amount in Col. 3	—	
9 "	One and one-half times the amount in Col. 3	One and four-fifths times the amount in Col. 3	—	
8 "	One and one-third times the amount in Col. 3	One and three-fifths times the amount in Col. 3	Twice the amount in Col. 3	
7 "	One and one-sixth times the amount in Col. 3	One and two-fifths times the amount in Col. 3	One and three-quarters times the amount in Col. 3	
6 "	The amount in Col. 3	One and one-fifth times the amount in Col. 3	One and one-half times the amount in Col. 3	
5 "	Five-sixths of the amount in Col. 3	The amount in Col. 3	One and one-quarter times the amount in Col. 3	
4 "	Two-thirds of the amount in Col. 3	Four-fifths of the amount in Col. 3	The amount in Col. 3	
3 "	One-half of the amount in Col. 3	Three-fifths of the amount in Col. 3	Three-quarters of the amount in Col. 3	
2 "	One-third of the amount in Col. 3	Two-fifths of the amount in Col. 3	One-half of the amount in Col. 3	
1 day	One-sixth of the amount in Col. 3	One-fifth of the amount in Col. 3	One-quarter of the amount in Col. 3	



- (2) In the application of the provisions of the foregoing Table to the case of a piece worker the appropriate rate of statutory minimum remuneration for time work is the appropriate minimum rate that would have been applicable to him if he had been employed as a time worker.
  - (3) Where under the provisions of paragraph 4 an annual holiday is taken in more than one period, the holiday remuneration shall be apportioned accordingly.
8. Where any accrued holiday remuneration has been paid by the employer to the worker (in accordance with paragraph 9 of this Schedule or under the provisions of Order H.M.(40) or Order H.M.S.(35)) in respect of employment during any of the periods referred to in that paragraph or those Orders, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order H.M.(40) or Order H.M.S.(35).

#### ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

- 9.—(1) Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective, the employer shall, immediately on the termination of the employment, pay to the worker accrued holiday remuneration in accordance with this paragraph.
- (2) Accrued holiday remuneration shall be payable in accordance with the following Table if the worker has in the 12 months commencing on 1st May 1963, and thereafter in any period of 12 months commencing on 1st May been employed for any of the periods of employment specified in that Table.
  - (3) Accrued holiday remuneration is not payable in respect of any period of employment for which the worker has been allowed or become entitled to be allowed an annual holiday under this Schedule.
  - (4) Where a worker has been allowed in a holiday season part only of the annual holiday for which he has qualified under this Schedule or under Order H.M.(40) or Order H.M.S.(35) and his employment is terminated before he becomes entitled to the rest of that holiday the accrued holiday remuneration payable shall be the appropriate amount under the following Table in respect of the qualifying period of employment less the amount received by the worker in respect of that part of the holiday which has been allowed.

TABLE OF ACCRUED HOLIDAY REMUNERATION

Column 1 Workers with a normal working week of 6 days		Column 2 Workers with a normal working week of 5 days or less		Column 3
Period of employment	Accrued holiday remuneration	Period of employment	Accrued holiday remuneration	
After 48 weeks' employment calculated in accordance with the provisions of paragraph 10.	Twice the amount in Col. 3	After 48 weeks' employment calculated in accordance with the provisions of paragraph 10.	Twice the amount in Col. 3	The amount which the worker would be entitled to receive from his employer, at the date of the termination of his employment, for a week's work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime) and if paid at the appropriate rate of statutory minimum remuneration for time work, fixed by a wages regulation order in respect of the worker, for work to which that order applies and at the same rate for work (if any) to which that order does not apply.
After 44 weeks' such employment.	One and five-sixths times the amount in Col. 3	After 43 weeks' such employment.	One and four-fifths times the amount in Col. 3	
After 40 weeks' such employment.	One and two-thirds times the amount in Col. 3	After 38 weeks' such employment.	One and three-fifths times the amount in Col. 3	
After 36 weeks' such employment.	One and one-half times the amount in Col. 3	After 33 weeks' such employment.	One and two-fifths times the amount in Col. 3	
After 32 weeks' such employment.	One and one-third times the amount in Col. 3	After 28 weeks' such employment.	One and one-fifth times the amount in Col. 3	
After 28 weeks' such employment.	One and one-sixth times the amount in Col. 3	After 24 weeks' such employment.	The amount in Col. 3	
After 24 weeks' such employment.	The amount in Col. 3	After 19 weeks' such employment.	Four-fifths of the amount in Col. 3	
After 20 weeks' such employment.	Five-sixths of the amount in Col. 3	After 14 weeks' such employment.	Three-fifths of the amount in Col. 3	
After 16 weeks' such employment.	Two-thirds of the amount in Col. 3	After 9 weeks' such employment.	Two-fifths of the amount in Col. 3	
After 12 weeks' such employment.	One-half of the amount in Col. 3	After 4 weeks' such employment.	One-fifth of the amount in Col. 3	
After 8 weeks' such employment.	One-third of the amount in Col. 3	—	—	
After 4 weeks' such employment.	One-sixth of the amount in Col. 3	—	—	

- (5) In the application of the provisions of the foregoing Table to the case of a piece worker the appropriate rate of statutory minimum remuneration for time work is the appropriate minimum rate that would have been applicable to him if he had been employed as a time worker.

## PART V

## GENERAL

10. For the purposes of calculating any period of employment entitling a worker to an annual holiday or to any accrued holiday remuneration under this Schedule, the worker shall be treated :—
- (1) as if he were employed for a week in respect of any week in which—
    - (a) he has worked for the employer for not less than 16 hours and has performed some work to which statutory minimum remuneration applies ; or
    - (b) he has been absent throughout the week by reason of proved illness or accident (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 16 in any such period as aforesaid) ; or
    - (c) he has been suspended throughout the week owing to shortage of work (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed 16 in any such period as aforesaid) ; and
  - (2) as if he were employed on any day of holiday allowed under the provisions of this Schedule, and for the purposes of sub-paragraph (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer on work to which statutory minimum remuneration applies (a) where the holiday is a customary holiday, or a holiday in lieu of a customary holiday, for 8½ hours if the worker is normally employed for more than 30 hours a week or for 4½ hours if he is normally employed for 30 hours a week or less, or (b) where the holiday is a day of annual holiday, for the number of hours ordinarily worked by him on that day of the week.
11. Where any day of holiday allowed to any worker under this Schedule falls upon a day of holiday or half-holiday to which the worker may be entitled under any enactment other than the Wages Councils Act 1959, that holiday or half-holiday shall be treated as part of the holiday allowed under this Schedule.
12. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—
- “NORMAL WORKING WEEK” means the number of days on which it has been usual for the worker to work in a week in the employment of the employer in the 12 months immediately preceding the commencement of the holiday season, or where under paragraph 9 accrued holiday remuneration is payable on the termination of the employment, in the 12 months immediately preceding the date of the termination of the employment :
- Provided that—
- (1) part of a day shall count as a day ;
  - (2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.
- “STATUTORY MINIMUM REMUNERATION” means minimum remuneration (other than holiday remuneration) which has been fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Council.
- “WEEK” means “pay week”.

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13. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.
- 

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 18th September 1964, sets out the holidays to be allowed and the holiday remuneration payable to workers (other than homeworkers) in relation to whom the Hat, Cap and Millinery Wages Council (Great Britain) operates.

It also revokes the Hat, Cap and Millinery Wages Council (England and Wales) Wages Regulation (Holidays) Order 1949 (Order H.M. (40)) and the Hat, Cap and Millinery Wages Council (Scotland) Wages Regulation (Holidays) Order 1949 (Order H.M.S. (35)), Orders made to give effect to proposals submitted to the Minister by the Hat, Cap and Millinery Wages Council (England and Wales) and the Hat, Cap and Millinery Wages Council (Scotland) which Councils were abolished on 1st March 1963.

1964 No. 1386

**HARBOURS, DOCKS, PIERS AND FERRIES****The Control of Harbour Development Order 1964***Made* - - - - - 28th August 1964*Laid before Parliament* 8th September 1964*Coming into Operation* 15th September 1964

The Minister of Transport, in exercise of his powers under section 9 of the Harbours Act 1964(a) and of all other enabling powers, hereby makes the following Order :—

1.—(1) This Order shall come into operation on the 15th September 1964, and may be cited as the Control of Harbour Development Order 1964.

(2) In this Order “the Act” means the Harbours Act 1964.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Subject as hereinafter provided, this Order applies to the following projects, that is to say :—

(a) the execution of any works for the construction, reconstruction, improvement or repair of a harbour ;

(b) the execution of any works for the construction, reconstruction, improvement or repair of buildings or structures, being buildings or structures required for use or used wholly or mainly for the purpose of harbour operations ;

(c) the acquisition or taking on hire of—

(i) dredgers required for use in the execution of any such works as aforesaid, or

(ii) cargo handling plant or cargo handling equipment (whether floating or land based, and whether fixed or mobile), being plant or equipment required for use wholly or mainly for the purpose of harbour operations.

3. Subject to the provisions of this Order, no person engaged in, or proposing to become engaged in, the improvement, maintenance or management of a harbour, or the carrying out of harbour operations, shall undertake, or secure the undertaking of, any project to which this Order applies, where—

(a) the cost of the project, ascertained in accordance with the provisions of Article 5 of this Order, exceeds £500,000, or

(b) the project forms part of a larger project the cost of which, ascertained as aforesaid, exceeds that sum, or

(c) the project forms part of a series of projects the cost of which, ascertained as aforesaid, in the aggregate exceeds that sum,

except under an authorisation in that behalf granted by the Minister under Section 9 of the Act.

**4. The prohibition contained in Article 3 of this Order shall not apply in relation to the undertaking, or the securing of the undertaking, of—**

- (a) the execution of works of the nature of routine maintenance or works of the nature of routine repair, or
- (b) the taking on temporary hire of plant or equipment for the purpose of replacing plant or equipment in need of, or undergoing, repair or maintenance, or
- (c) any project which involves no expenditure of a capital nature, or
- (d) any project in relation to which any tender has been invited, or any contract placed, or any work commenced, before the date of the coming into operation of this Order, or
- (e) any project concerning, or concerning operations carried out at, a fishery harbour or marine work which becomes a harbour for the purposes of section 9 of the Act after the coming into operation of this Order, being a project in relation to which any tender has been invited, or any contract placed, or any work commenced, before the date on which that fishery harbour or marine work became a harbour for the purposes aforesaid.

**5.—(1) The provisions of this Article shall apply for ascertaining the cost of a project for the purpose of Article 3 of this Order or of Section 9(7) of the Act.**

(2) Where a reasonable and proper estimate in writing of the proposed expenditure on a project has been made by the person who proposes to undertake, or secure the undertaking of, that project, before any expenditure has been incurred on it, the cost of that project, so far as regards all matters comprised in the estimate, shall be ascertained for any purpose mentioned in paragraph (1) of this Article by reference to that estimate alone, but in all other cases the cost of a project shall be ascertained for any such purpose aforesaid by reference to the actual expenditure (if any) already incurred on the project up to the time when the ascertainment of cost is required to be made for that purpose together with a reasonable and proper estimate of the expenditure (if any) then still to be incurred in order to complete the project.

(3) In computing the cost of a project under the provisions of this Article there shall be included :—

- (a) sums in respect of any consulting engineers', architects', surveyors' and other professional fees in connection with the project ;
- (b) in a case where the project consists of, or involves, the taking on hire of plant or equipment, a sum in respect of the aggregate of any periodic payments under the hiring agreement during the continuance thereof, or, where the hiring is not for a fixed term, during the estimated continuance thereof ;
- (c) in a case where the project involves the execution of works on land acquired for, or appropriated to the purpose of, the project, a sum in respect of the value of that land determined in accordance with the provisions of paragraph (4) of this Article ;

and such sums shall be ascertained (subject as hereinafter provided) by reference to estimated or actual expenditure as the provisions of paragraph (2) of this Article may require.

(4) For the purpose of paragraph (3) of this Article the value of land acquired for, or appropriated to the purpose of, a project shall be the sum which the land, or, in a case where a limited interest only in the

land is acquired or appropriated, that interest in the land, might be expected to realise, if sold in the open market by a willing seller at the time of ascertaining the cost of the project under the provisions of this Article, on the following assumptions, namely:—

- (a) that planning permission would be granted for—
  - (i) any development included in the existing use of the land,
  - (ii) any development involved in carrying out the project for which the land is required,
  - (iii) any development in accordance with the current development plan comprising the land, and
  - (iv) any other development for which, not earlier than one year before the time of ascertaining the cost of the project as aforesaid, the local planning authority have granted, or have stated that they would grant, planning permission, and
- (b) that in any case where the land, or the interest in the land, would be held subject to the reservation of a periodic rent or an obligation to make some other payment of a periodic nature, the amount of that rent or other payment were a nominal amount only.

(5) Where a project forms part of a larger project or of a series of projects, the foregoing provisions of this Article shall apply with the necessary modifications for ascertaining for the purpose of Article 3 of this Order or of Section 9(7) of the Act the cost of the larger project or the series of projects aforesaid.

6. Nothing in this Order shall apply in relation to a project in so far as it comprises—

- (a) the execution of works for the construction, reconstruction or repair of a dry dock, or
- (b) the execution of works for the construction, reconstruction or repair of buildings or structures, being buildings or structures required for use or used wholly or mainly for the purpose of the dry docking of a ship, or
- (c) the acquisition or taking on hire of plant or equipment for use in a dry dock,

and in ascertaining the nature and extent of a project for the purpose of this Order the matters aforesaid shall be disregarded.

Given under the Official Seal of the Minister of Transport the 28th August 1964.

(L.S.)

*Ernest Marples,*  
Minister of Transport.

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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The Order implements, and defines the extent of, the control, provided for in section 9 of the Harbours Act 1964, in relation to schemes of harbour development.

The projects (whether for the execution of works or for the acquisition or taking on hire of plant or equipment) to which the Order applies are

specified (Article 2) and provision is made (Article 3) that no such project is to be undertaken without the authorisation of the Minister of Transport in any case where the cost of the project exceeds £500,000, or where the project forms part of a larger project or of a series of projects the cost of which exceeds that sum.

Projects which consist of routine maintenance or repair works, or the taking on temporary hire of certain plant and equipment, or which involve no expenditure of a capital nature, or which were begun or put out to tender before the Order comes into operation are excluded from the control (Article 4) and projects relating to dry docks are similarly excluded (Article 6 and s. 9(10) of the Act).

The method of ascertaining the cost of projects and the items to be taken into account in ascertaining such cost are specified (Article 5).



## 1964 No. 1390

## AGRICULTURE

**The Price Stability of Imported Products (Rates of Levy No. 3)  
Order 1964**

*Made* - - - - 1st September 1964  
*Coming into Operation* 2nd September 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Rates of Levy No. 3) Order 1964; and shall come into operation on 2nd September 1964.

2.—(1) In this order—

“ the Principal Order ” means the Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended (c), and as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ;  
 AND other expressions have the same meaning as in the Principal Order.

(2) The Price Stability of Imported Products (Rates of Levy No. 2) Order 1964(d) is hereby revoked.

(3) The Interpretation Act 1889(e) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of general levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 1st September 1964.

(L.S.)

*A. J. D. Winnifrith,*  
 Secretary.

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(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706).  
 (c) S.I. 1964/989, 1146 (1964 II, pp. 2229, 2570). (d) S.I. 1964/1133 (1964 II, p. 2542).  
 (e) 52 & 53 Vict. c. 63.

## SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of General Levy
10.01	Imports of :— Any wheat, other than denatured wheat and other than durum wheat, for which a minimum import price level is prescribed . . . .	per ton £ s. d.  1 10 0

## EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order, which comes into operation on 2nd September 1964, fixes a rate of general levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of the specified commodity described in the Schedule to the order.

1964 No. 1391

## BRITISH NATIONALITY

**The British Nationality (No. 2) Regulations 1964**

Made - - - - 31st August 1964

Coming into Operation 16th September 1964

In pursuance of the power conferred upon me by section 29(1) of the British Nationality Act 1948(a), as extended by section 6(2) of the British Nationality (No. 2) Act 1964(b), I hereby make with the consent, so far as Regulations 2 and 3 are concerned, of the Treasury the following Regulations:—

*Applications for registration under section 1 of the British Nationality (No. 2) Act 1964*

1.—(1) An application for registration as a citizen of the United Kingdom and Colonies made under section 1 of the British Nationality (No. 2) Act 1964 shall be made in writing, and shall include the following, that is to say:—

- (a) in the case of any application, sufficient information to satisfy the authority to whom the application is made that the person in respect of whom it is made is and always has been stateless and is qualified for registration under the said section 1;
- (b) in the case of an application made in respect of a minor by his parent or guardian, a statement whether the applicant is a parent or guardian of the minor and, if he is a guardian, how he became a guardian.

(2) An application made in accordance with paragraph (1) of this Regulation shall be made—

- (a) if the applicant is resident in any of the Channel Islands, the Isle of Man, a colony, a protectorate or a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 thereof, to the Governor;
- (b) if the applicant is resident in a country mentioned in section 1(3) of the Act of 1948 in which there is a High Commissioner for Her Majesty's government in the United Kingdom, to the High Commissioner in that country;
- (c) in any other case, to the Secretary of State at the Home Office in London.

(3) The registration of a person as a citizen of the United Kingdom and Colonies in pursuance of an application made in accordance with paragraph (1) of this Regulation shall be effected at such place as the authority to whom the application is made may direct.

*Application of the Regulations of 1948 and 1958*

2.—(1) The provisions of the Regulations of 1948 and of the Regulations of 1958 which are mentioned in paragraph (2) of this Regulation shall apply in relation to applications made in accordance with Regulation 1 of these Regulations as they apply in relation to applications made in accordance with the Regulations of 1948 under section 6 of the Act of 1948.

(2) The provisions referred to in paragraph (1) of this Regulation are—

- (a) Regulation 17 of the Regulations of 1948 (which relates to the witnessing of applications) ;
- (b) Regulation 19(1) of the Regulations of 1948, in so far as it relates to the fees for witnessing the signing of an application and for supplying a certified copy of a document ;
- (c) Regulation 5(2) of the Regulations of 1958 (which provides that in certain circumstances the registration of a person as a citizen of the United Kingdom and Colonies under section 6 of the Act of 1948 shall be effected at such place as the Secretary of State may direct).

*Registration fee*

3.—(1) A fee of one pound ten shillings may be taken in the United Kingdom in respect of registration as a citizen of the United Kingdom and Colonies under section 1 of the British Nationality (No. 2) Act 1964 ; and in any country mentioned in section 1(3) of the Act of 1948, the like fee (or a fee of the corresponding amount in the local currency) may be taken in respect of registration as aforesaid effected in that country in accordance with Regulation 1(3) of these Regulations.

(2) Any fee taken in pursuance of paragraph (1) of this Regulation shall be paid into the Exchequer in accordance with Treasury directions.

*Interpretation*

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

“ the Act of 1948 ” means the British Nationality Act 1948 ;

“ Governor ” has, in relation to a protected state to which the provisions of section 8 of the Act of 1948 relating to protectorates are extended by Order in Council made under section 30 of that Act, the same meaning as in the Order ;

“ the Regulations of 1948 ” means the British Nationality Regulations 1948(a), as amended (b) ;

“ the Regulations of 1958 ” means the British Nationality Regulations 1958(c), as amended (d) ;

(2) The Interpretation Act 1889(e) shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

(a) S.I. 1948/2721 (Rev. III, p. 209; 1948 I, p. 261).

(b) The relevant amending instruments are S.I. 1951/423, 1960/1150, 1962/561 (1951 I, p. 86; 1960 I, p. 419; 1962 I, p. 533).

(c) S.I. 1958/655 (1958 I, p. 237).

(d) There is no amendment which relates to the subject matter of these Regulations.

(e) 52 & 53 Vict. c. 63.

*Citation and commencement*

5. These Regulations may be cited as the British Nationality (No. 2) Regulations 1964 and shall come into operation on 16th September 1964.

*Henry Brooke,*  
One of Her Majesty's Principal  
Secretaries of State.

21st August 1964.

We consent to Regulations 2 and 3 of these Regulations.

*M. A. Hamilton,*  
*Martin McLaren,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

31st August 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations relate to applications for registration as a citizen of the United Kingdom and Colonies under section 1 of the British Nationality (No. 2) Act 1964 by a person who has been stateless since birth.

## 1964 No. 1393

## PENSIONS

**The Federated Superannuation System for Universities  
(Pensions Increase) (No. 2) Regulations 1964**

*Made - - - - 2nd September 1964*  
*Laid before Parliament 4th September 1964*  
*Coming into Operation 7th September 1964*

The Treasury, in exercise of the powers conferred upon them by section 5(3) of the Superannuation Act 1946(a), by that subsection as applied by section 3(1) of the Pensions (Increase) Act 1952(b) and section 8(1) of the Pensions (Increase) Act 1956(c), by section 3(3)(a) and (4) of the Pensions (Increase) Act 1959(d), by section 8(2) of the Pensions (Increase) Act 1962(e) (applying section 3(3)(a) and (4) of the Pensions (Increase) Act 1959 with modifications) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations shall apply to any person who—

- (a) has been transferred with the consent of the head of his Department from employment in the civil service of the State to employment which is approved employment within the meaning of section 4 of the Superannuation Act 1914(f) and in which he is subject to an F.S.S.U. scheme; and
- (b) either—
- (i) was at the date of his transfer from the civil service of the State subject to an F.S.S.U. scheme, or
- (ii) having been at some time during the period of his employment in the civil service of the State subject to an F.S.S.U. scheme, had before the said date ceased to be so subject and had become subject to the Superannuation Acts; and
- (c) has not refunded the whole amount of the employer's contributions paid, during the period of his employment in the civil service of the State, in his case under the F.S.S.U. scheme; and
- (d) has retired from the employment to which he was transferred as aforesaid or from a subsequent employment which is approved employment within the meaning of section 4 of the Superannuation Act 1914 and in which he is subject to an F.S.S.U. scheme in such circumstances that he has become eligible for a superannuation allowance, additional allowance or gratuity under section 4 of the Superannuation Act 1914 or would have become so eligible if he had been a person to whom that section applies; and
- (e) has attained the age of sixty years or has retired from his employment on account of physical or mental infirmity.

(a) 9 & 10 Geo. 6. c. 60.  
 (c) 4 & 5 Eliz. 2. c. 39.  
 (e) 11 & 12 Eliz. 2. c. 2.

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.  
 (d) 7 & 8 Eliz. 2. c. 50.  
 (f) 4 & 5 Geo. 5. c. 86.

(2) A person to whom these Regulations apply is hereafter referred to as an "officer", and the employment from which he retires in such circumstances as are specified in sub-paragraph (d) of the foregoing paragraph is hereafter referred to as his "latest employment".

2.—(1) Subject to the modifications specified in this Regulation—

- (a) the Regulations of 1947 shall apply to an officer who retires from his latest employment not earlier than 10th December 1956, and who was employed in the civil service of the State subject to an F.S.S.U. scheme during a period which began before 1st July 1944, as if he were a person to whom those Regulations apply;
- (b) the Regulations of 1953 shall apply to an officer who retires from his latest employment not earlier than 10th December 1956, and who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1948, as if he were a person to whom those Regulations apply;
- (c) the Regulations of 1956 shall apply to an officer who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1952, as if he were a person to whom those Regulations apply;
- (d) Part I of the Regulations of 1959 shall apply to an officer who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1957, as if he were a person to whom the said Part I applies; and
- (e) Regulations 2 and 3 of the Regulations of 1963 shall apply to an officer who was employed in the civil service of the State and subject to an F.S.S.U. scheme during a period which began before 1st April 1961, as if he were a person to whom those Regulations apply.

(2) In their application to an officer to whom Regulation 1(1)(b)(ii) of these Regulations applies the Regulations of 1947, 1953 and 1956, Part I of the Regulations of 1959, and Regulations 2 and 3 of the Regulations of 1963 shall have effect as if for any reference therein to his notional annuity there were substituted a reference to his hypothetical annuity as defined in Regulation 5(1) of the Regulations of 1959, but so that references in the definitions of "hypothetical annuity" and "accumulated contributions" in the said paragraph 5(1) to the date of a person's retirement shall be construed as references to his retirement from his latest employment.

(3) For the purposes of the application to an officer of Regulation 4 of the Regulations of 1953, Regulation 4 of the Regulations of 1956 and Regulation 2 of the Regulations of 1959, his service shall be deemed to end on the last day of his period of F.S.S.U. service.

(4) For the purposes of the application to an officer of Regulation 2(1) of the Regulations of 1959 the reference therein to any allowances for which he is eligible under the Regulations of 1947, 1953 and 1956 shall be deemed to include a reference to any allowances for which he is eligible under any of those Regulations as applied to him by these Regulations and for the purposes of the application to an officer, to whom Regulation 1(1)(b)(ii) of these Regulations applies, of Regulations 2 and 3 of the Regulations of 1963 the reference in the definition of "adjusted rate" in Regulation 5(1) thereof to any allowances granted in respect of an annuity under the Regulations of 1947, 1953, 1956 and 1959 shall be deemed to include any allowances granted in respect of his hypothetical annuity under any of those Regulations as applied to him by these Regulations.

(5) These Regulations shall not have effect so as to authorise the payment of any allowance in respect of a period before 1st September 1964.

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

“F.S.S.U. scheme” means a superannuation scheme operated under the Federated Superannuation System for Universities;

“period of F.S.S.U. service” has the meaning assigned to it by Regulation 5(1) of the Regulations of 1959;

“the Regulations of 1947” means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1947(a) as amended by the Regulations of 1953, 1956 and 1964;

“the Regulations of 1953” means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1953(b) as amended by the Regulations of 1956;

“the Regulations of 1956” means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1956(e);

“the Regulations of 1959” means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1959(d) as amended by the Regulations of 1964;

“the Regulations of 1963” means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1963(e);

“the Regulations of 1964” means the Federated Superannuation System for Universities (Pensions Increase) Regulations 1964(f);

“the Superannuation Acts” means the Superannuation Acts 1834 to 1960.

(2) Any reference in these Regulations to the provisions of any Regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent Regulations.

(3) The Interpretation Act 1889(g) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

4. These Regulations may be cited as the Federated Superannuation System for Universities (Pensions Increase) (No. 2) Regulations 1964 and shall come into operation on 7th September 1964.

*John Peel,*

*Martin McLaren,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

2nd September 1964.

(a) S.R. & O. 1947/1531 (Rev. XVII, p. 628: 1947 I, p. 1564).

(b) S.I. 1953/121 (1953 II, p. 1527).

(d) S.I. 1959/1609 (1959 II, p. 2004).

(f) S.I. 1964/572 (1964 I, p. 1008).

(c) S.I. 1956/1938 (1956 II, p. 1725).

(e) S.I. 1963/757 (1963 I, p. 916).

(g) 52 & 53 Vict. c. 63.



**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide for increases under the Federated Superannuation System for Universities (Pensions Increase) Regulations of 1947, 1953, 1956, 1959 and 1963 (which extend the Pensions (Increase) Acts to retired Civil Servants pensioned under the Federated Superannuation System for Universities) to be paid to former Civil Servants who retire from approved employment in which they are subject to an F.S.S.U. scheme. Payments will only be made in respect of F.S.S.U. benefits earned during the period of Civil Service.

Regulation 2(5) limits the effect of this change to payments in respect of periods beginning on or after 1st September 1964.

## 1964 No. 1394

## ARABIA

## The Aden (Constitution) (Amendment) Order 1964

*Made* - - - - - 2nd September 1964

*Laid before Parliament* 8th September 1964

*Coming into Operation* 9th September 1964

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts 1887 and 1945(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Aden (Constitution) (Amendment) Order 1964 and shall be construed as one with the Aden (Constitution) Order in Council 1962(b).

Citation,  
construction  
and com-  
mencement.

(2) The Aden (Constitution) Order in Council 1962 and this Order may be cited together as the Aden (Constitution) Orders 1962 and 1964.

(3) This Order shall be published in the Gazette, and shall come into operation on 9th September 1964.

2. For section 34 of the Constitution of Aden set out in schedule 2 to the Aden (Constitution) Order in Council 1962 there is substituted the following section:—

Replacement  
of section 34  
of the Con-  
stitution of  
Aden.

“Qualifica-  
tions for  
election.

34.—(1) Subject to the provisions of section 35 of this Constitution, a person shall be qualified to be elected a member of the Legislative Council if, and shall not be qualified to be so elected unless, he—

(a) was born in Aden or his father was born in Aden ;  
or

(b) has obtained the status of a British subject by reason of the grant by the High Commissioner (or by the Governor or other competent authority in Aden) of a certificate of naturalisation under the British Nationality and Status of Aliens Act 1914(c), or the British Nationality Act 1948(d) ; and

(c) is a male person of not less than twenty-one years of age ; and

(d) is resident in Aden ; and

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(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(b) S.I. 1962/2177 (1962 III, p. 2904).

(c) 4 & 5 Geo. 5. c. 17.

(d) 11 & 12 Geo. 6. c. 56.

(e) is able, with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Legislative Council, to speak and, unless incapacitated by blindness or other physical cause, to read and write the Arabic language.

(2) Any question whether any person possesses the qualifications mentioned in paragraph (e) of subsection (1) of this section shall be determined in such manner as may be prescribed by or under any law made under section 40 of this Constitution for the time being in force in Aden or, in so far as not so prescribed, as may be provided by order made by the High Commissioner and published in the Gazette.”

*W. G. Agnew.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes fresh provision for qualifications for Elected Members of the Aden Legislative Council.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1395

**CARIBBEAN AND NORTH ATLANTIC  
TERRITORIES**
**The British Guiana (United Kingdom Forces)  
(No. 2) Order 1964**
*Made - - - - 2nd September 1964*
*Coming into Operation 2nd September 1964*

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—This Order may be cited as the British Guiana (United Kingdom Forces) (No. 2) Order 1964 and shall be construed as one with the British Guiana (United Kingdom Forces) Order 1964(c) (hereinafter referred to as “the principal Order”).

Citation and interpretation.

2.—(1) For the avoidance of doubt, it is hereby declared that the reference in section 2(3) of the principal Order to assistance given to the civil authorities in British Guiana includes a reference to any such assistance whether or not it was given in pursuance of section 2(1) of that Order and whether it was given before or after the coming into operation of that Order.

Removal of doubt in principal Order.

(2) If any proceedings have been instituted in any court in British Guiana before the coming into operation of this Order in respect of anything done or omitted by any member of Her Majesty's forces in the course of giving assistance to the civil authorities in British Guiana otherwise than in pursuance of section 2(1) of the principal Order or in the course of giving any such assistance before the coming into operation of that Order, it is hereby further declared for the avoidance of doubt that those proceedings shall not be further proceeded with without the consent of the Governor, acting in his discretion, (which consent shall be signified by writing under his hand) and that the provisions of section 2(4) of the principal Order shall apply in relation to proceedings which, in the Governor's opinion, have been proceeded with in contravention of this subsection as they apply in relation to proceedings which, in his opinion, have been instituted in contravention of section 2(3) of the principal Order.

(3) In this section the expression “Her Majesty's forces” has the meaning attributed to it in section 2(5) of the principal Order.

*W. G. Agnew.*


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 (a) 18 & 19 Geo. 5. c. 5.

(b) S.I. 1961/1188 (1961 II, p. 2152).

(c) S.I. 1964/1193 (1964 II, p. 2771).

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order removes doubts as to the application of the British Guiana (United Kingdom Forces) Order 1964 in relation to certain categories of legal proceedings.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1396

## SOUTH ATLANTIC TERRITORIES

**The British Antarctic Territory (Amendment)  
Order 1964**

*Made* - . . . . . 2nd September 1964  
*Laid before Parliament* 8th September 1964  
*Coming into Operation* 9th September 1964

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the British Settlements Acts 1887 and 1945(a), the Colonial Boundaries Act 1895(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the British Antarctic Territory (Amendment) Order 1964 and shall be construed as one with the British Antarctic Territory Order in Council 1962(c).

Citation,  
construction  
and com-  
mencement.

(2) The British Antarctic Territory Order in Council 1962 and this Order may be cited together as the British Antarctic Territory Orders 1962 and 1964.

(3) This Order shall come into operation on 9th September 1964 and shall be published in the Falkland Islands Government Gazette.

2. The British Antarctic Territory Order in Council 1962 is hereby amended by the insertion, after section 14 thereof, of the following new section:—

Insertion of  
new section  
14A in British  
Antarctic  
Territory  
Order in  
Council 1962.

“Concurrent 14A. Whenever the substantive holder of any office consti-  
 appointments. tuted by or under this Order is on leave of absence pending  
 relinquishment of his office—

(a) another person may be appointed substantively to that office;

(b) that person shall, for the purpose of any function attaching to that office, be deemed to be the sole holder of that office.”

*W. G. Agnew.*

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 EXPLANATORY NOTE
 

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*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the British Antarctic Territory Order in Council 1962 by inserting therein provisions in respect of concurrent appointments.

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(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7. (b) 58 & 59 Vict. c. 34.  
 (c) S.I. 1962/400 (1962 I, p. 356).

1964 No. 1397

## SOUTH ATLANTIC TERRITORIES

**The Falkland Islands (Legislative Council)  
(Amendment) Order 1964**

*Made* - - - - *2nd September 1964*  
*Laid before Parliament*    *8th September 1964*  
*Coming into Operation*    *21st September 1964*

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by the British Settlements Acts 1887 and 1945(a), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,  
construction  
and com-  
mencement.

1.—(1) This Order may be cited as the Falkland Islands (Legislative Council) (Amendment) Order 1964 and shall be construed as one with the Falkland Islands (Legislative Council) Order in Council 1948(b), which Order, as amended by the Falkland Islands (Legislative Council) (Amendment) Order in Council 1950(c), the Falkland Islands (Legislative Council) (Amendment) Order in Council 1951(d) and the Falkland Islands (Legislative Council) (Amendment) Order in Council 1955(e), is hereinafter referred to as "the principal Order".

(2) This Order and the principal Order may be cited together as the Falkland Islands (Legislative Council) Orders 1948 to 1964.

(3) This Order shall come into operation on 21st September 1964.

Amendment  
of principal  
Order.

2. The principal Order is amended as follows:—

(a) Sections 4 and 5 are replaced by the following new sections:—

"Composi-  
tion of  
Legislative  
Council.

4. The Legislative Council shall consist of—

(a) the Governor, as President;

(b) two Ex-officio Members;

(c) two Nominated Independent Members;

(d) four Elected Members.

Ex-officio  
Members.

5. The Ex-officio Members of the Legislative Council shall be the Colonial Secretary and the Colonial Treasurer."

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(a) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(b) S.I. 1948/2573 (Rev. VII, p. 591: 1948 I, p. 1018).

(c) S.I. 1950/1184 (1950 I, p. 683).

(d) S.I. 1951/1946 (1951 I, p. 682).

(e) S.I. 1955/1650 (1955 I, p. 833).

(b) Section 6 is replaced by the following new section :—

**“ Nominated Independent Members. 6. The Nominated Independent Members of the Legislative Council shall be persons who do not hold any office of emolument under the Crown in the Colony and shall be appointed by the Governor by Instrument under the Public Seal in pursuance of instructions given to him by Her Majesty through a Secretary of State.”**

(c) In section 12(1)(d) the words “ and, in the case of a Nominated Official Member, his resignation shall be accepted by the Governor ” are omitted ;

(d) In section 13—

(a) the words “ or Nominated Official ” are omitted from subsection (1)(a) ;

(b) the words “ Senior Medical Officer or of ” are omitted from paragraphs (b), (c) and (d), respectively, of subsection (1) ;

(c) the words “ or Nominated Official ” are omitted from subsection (2) ;

(d) in subsection (3) the words “ or Nominated Official ” are omitted and for the words “ a Nominated Official Member ” there are substituted the words “ an Ex-officio Member ” ;

(e) in section 15(1) the words “ Secondly the Nominated Official Members in such order as the Governor may direct ; ” are omitted, and for the words “ Thirdly, the Nominated Unofficial Members ” there are substituted the words “ Secondly, the Nominated Independent Members ” ;

(f) immediately after subsection (3) of section 19 there is added the following new subsection—

“ (4) The provisions of this section shall be subject to the provisions of any Instructions under Her Majesty’s Sign Manual and Signet.” ;

(g) any reference in section 9, 10, 11, 12, 13 or 16 to a Nominated Member or a Nominated Unofficial Member shall be construed as a reference to a Nominated Independent Member.

3.—(1) Any person who immediately before the commencement of this Order is a Nominated Unofficial Member of the existing Legislative Council shall, as from the commencement of this Order, be deemed to have been appointed as a Nominated Independent Member of the Legislative Council under section 6 of the principal Order as enacted by this Order. Transitional.

(2) Any person who immediately before the commencement of this Order is an Elected Member of the existing Legislative Council shall, as from the commencement of this Order, be deemed to be an Elected Member of the Legislative Council constituted under the principal Order as amended by this Order and to have been returned thereto in accordance with the provisions of the principal Order as amended by this Order for the electoral area for which he was returned to the existing Legislative Council.

(3) In this section references to the existing Legislative Council are references to the Legislative Council constituted under the principal Order.

W. G. Agnew.



**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

**This Order amends the Falkland Islands (Legislative Council) Order 1948 and reconstructs the Legislative Council of the Colony.**

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 STATUTORY INSTRUMENTS
 

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1964 No. 1398

MALTA

**The Malta Independence Order 1964***Made - - - - 2nd September 1964*

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the power conferred upon Her by section 1(1) of the Malta Independence Act 1964(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Malta Independence Order 1964.

Citation  
and inter-  
pretation.

(2) In sections 1 to 15 (inclusive) of this Order—

“the appointed day” means the day appointed by section 2 of this Order;

“the Constitution” means the constitution set out in the Schedule to this Order.

(3) Save where the context otherwise requires, the provisions of section 126 of the Constitution shall apply for the purposes of interpreting sections 1 to 15 (inclusive) of this Order, and otherwise in relation thereto, as they apply for the purposes of interpreting, and in relation to, the Constitution.

2. The appointed day for the purposes of section 1(1) of the Malta Independence Act 1964 shall be 21st September 1964.

The  
appointed  
day.

3. The Malta (Constitution) Order in Council 1961(b) as amended (c) (which Order, as amended, is hereinafter referred to as “the 1961 Order”) is revoked as from the appointed day; and the provisions of section 38(2) of the Interpretation Act 1889(d) shall apply in relation to such revocation as they apply in relation to the repeal of an Act of the Parliament of the United Kingdom.

Revocation.

4. The Constitution shall be, and may be cited as, the Constitution of Malta and it shall come into effect on the appointed day.

Establish-  
ment of  
Constitution  
of Malta.

(a) 1964 c. 86.

(b) S.I. 1961 III, p. 4581.

(c) S.I. 1962 II, pp. 2398, 2414; 1963 II p. 2770; 1964 II, p. 3165.

(d) 52 &amp; 53 Vict. c. 63.

Exercise of powers of Governor-General before appointed day.

**5.** Where the Governor-General has power under the Constitution to make any appointment or to make any order or to do any other thing for the purposes of the Constitution, that power may be exercised by the Governor of the State of Malta at any time before the appointed day to such extent as may, in his opinion, be necessary or expedient to enable the Constitution to function as from the appointed day.

Existing officers.

**6.—(1)** Where any office has been established by or under the 1961 Order or any other law in force immediately before the appointed day and the Constitution establishes or provides for the establishment of a similar or an equivalent office, any person who immediately before the appointed day holds or is acting in the former office shall, so far as is consistent with the Constitution, be deemed to have been appointed on the appointed day to hold or to act in the latter office in accordance with the provisions of the Constitution and to have taken any necessary oath under the Constitution:

Provided that where under the Constitution any person is required to vacate his office at the expiration of any period from the date of his appointment that period shall be reckoned from the date of his appointment to the office established by or under the 1961 Order or, as the case may be, that other law.

(2) The provisions of section 112(4) of the Constitution shall not apply to any person on his vacating office as a member of the Public Service Commission if, immediately before he vacated that office, he held it by virtue of the provisions of subsection (1) of this section.

(3) The provisions of this section shall be without prejudice to the provisions of section 7 of this Order.

Parliament.

**7.—(1)** Notwithstanding any other provision of this Order, the Legislative Assembly established under the 1961 Order shall be the House of Representatives of Malta during the period beginning on the appointed day and ending with the first dissolution of the Parliament of Malta thereafter, and accordingly—

(a) the persons who immediately before the appointed day are members of the Legislative Assembly shall as from that day be deemed to have been elected as members of the House of Representatives in pursuance of the provisions of section 53 of the Constitution and to have taken any necessary oath under the Constitution, and, subject to subsection (2) of this section, shall hold their seats in the House in accordance with the provisions of the Constitution; and

(b) the persons who immediately before the appointed day are Speaker and Deputy Speaker of the Legislative Assembly shall as from that day be deemed to have been elected as such in pursuance of section 60 of the Constitution and to have taken any necessary oath under the Constitution, and shall hold office in accordance with the provisions of that section.

(2) A member of the House of Representatives to whom the provisions of paragraph (a) of subsection (1) of this section apply shall not vacate his seat by reason only of his not being a citizen of Malta if he is entitled under the provisions of the Constitution to be registered

as such a citizen and is so registered within six months of the appointed day.

(3) The Standing Orders of the Legislative Assembly established under the 1961 Order as in force immediately before the appointed day shall, except as may be otherwise provided under section 68(1) of the Constitution, apply for the regulation of the procedure of the House of Representatives but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(4) Notwithstanding anything contained in subsection (2) of section 77 of the Constitution (but subject to the provisions of subsections (3) and (4) of that section) the Parliament of Malta shall, unless sooner dissolved, stand dissolved on 26th April 1966.

(5) Unless altered in accordance with the provisions of the Constitution, the electoral divisions referred to in section 57(1) of the Constitution shall be those set out in the Third Schedule to the 1961 Order; and for the purposes of section 62(1) of the Constitution the Electoral Commission shall be deemed to have reviewed the boundaries of those divisions on the appointed day.

8.—(1) The provisions of the Electoral (Franchise, Method of Election and Registration of Voters) Ordinance and the Electoral (Polling) Ordinance and any regulations made thereunder shall (subject to their amendment or replacement by the Parliament of Malta or other competent authority) apply to the registration of voters for the election of members of the House of Representatives and to the election of such members.

Law as to elections.

(2) The electoral register as revised by virtue of the Electoral (Franchise, Method of Election and Registration of Voters) Ordinance shall continue after the appointed day to be in force as a valid electoral register subject to further revision or to replacement under the said Ordinance or any other law amending or replacing the same.

9.—(1) Any power of the Prime Minister which, by virtue of any instrument having effect immediately before the appointed day under, or as if it had been made under, section 86 of the 1961 Order is at that time delegated to a public officer or other authority, shall as from the appointed day be deemed to have been delegated to that officer or authority in accordance with the provisions of the Constitution.

Transitional provisions relating to appointment and discipline of public officers.

(2) Any matter which immediately before the appointed day is pending before the Public Service Commission established by the 1961 Order or, as the case may be, before any officer or authority to whom the power to deal with such matters has been delegated in the manner mentioned in subsection (1) of this section shall as from the appointed day be continued before the Public Service Commission established by the Constitution or, as the case may be, that officer or authority.

10. The person first appointed to the office of Governor-General shall be deemed to have complied with the provisions of section 51 of the Constitution if he takes and subscribes, in addition to the oath of allegiance, an oath for the due execution of his office in the form set out in the Second Schedule to the 1961 Order.

Oath of first Governor-General.

Continuance  
and  
adaptation  
of laws.

**11.—(1)** Subject to the provisions of this Order, all laws (including laws made under the 1961 Order) in force in, or otherwise having effect as part of the law of, Malta immediately before the appointed day (hereinafter referred to as "the existing laws") shall (subject to amendment or repeal by the Parliament of Malta or other competent authority) continue so to have effect on and after that day ; but all such laws shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order or in consequence of the enactment of the Malta Independence Act 1964.

(2) The Governor-General may (without prejudice to the powers of the Parliament of Malta or other competent authority) by order made at any time within twelve months after the appointed day make such amendments to any existing law (other than the Malta Independence Act 1964 and this Order) as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions, or in consequence of the enactment of the Malta Independence Act 1964 ; and any such order shall have effect from such date, not earlier than the appointed day, as may be specified therein.

(3) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by the Parliament of Malta or by any other authority or person is, immediately before the appointed day, prescribed or provided for by or under any existing law (including any amendment to any such law made under this section), that prescription or provision shall, on and after the appointed day, have effect as if it had been made under the Constitution by the Parliament of Malta or, as the case may be, by the other authority or person.

(4) On and after the appointed day no provision of any law subsisting immediately before 3rd March 1962 shall be regarded as having ceased to have effect as part of the law of Malta by reason of any inconsistency with the 1961 Order if that provision is one which, were it a provision having effect immediately before the appointed day, would continue to have effect as aforesaid by virtue of section 48(7) of the Constitution.

Validity of  
Letters  
Patent,  
Orders in  
Council,  
Ordinances  
and Acts.

**12.** It is hereby declared that—

- (a) the Letters Patent and Order in Council set out in the First Schedule to the Malta Constitution Act 1932(a) were validly passed and made and were within the powers reserved to His Majesty ;
- (b) the Acts of the Legislature of Malta so set out were validly enacted and were within the powers of the Legislature ;
- (c) the Ordinances of the Governor of Malta so set out were validly promulgated and were within the powers of the Governor ;

(d) all Ordinances of the Governor of Malta enacted and promulgated during the period between the commencement of the Malta Constitution Act 1932 and the commencement of the Malta (Letters Patent) Act 1936(a) were validly enacted and promulgated and were within the powers of the Governor.

13. Until Parliament prescribes the manner in which an application shall be made for the purposes of any provision of sections 24, 25 and 27 of the Constitution, an application under that provision need not be in any particular form but the application shall be sufficient if it is made to the Minister responsible for matters relating to citizenship of Malta and if it declares the name, address and national status of the applicant and grounds upon which the applicant is entitled to registration under that provision and is accompanied by such supporting documents as the Minister may require.

Form of application for registration as citizen of Malta.

14. Section 51(2)(b) of the Malta (Constitution) Order in Council 1959(b) and section 2(2) of the Malta (Constitution) (Modification) Order in Council 1963(c) shall be deemed to have had effect—

Modification of Orders of 1959 and 1963.

(a) as if for the words “ on the date ” there were substituted the words “ immediately before the date ” ; and

(b) as if for the words “ after that date ” there were substituted the words “ on or after that date ”.

15. The Parliament of Malta may alter section 7(4) of this Order or this section in the same manner as it may alter the provisions of the Malta Independence Act 1964 under section 67 of the Constitution, and may alter any other provision of sections 3 to 14 of this Order in the same manner as it may alter the provisions of the Constitution mentioned in subsection (2) of that section.

Alteration of this Order.

*W. G. Agnew.*

(a) 26 Geo. 5 & 1 Edw. 8. c. 29.

(b) S.I. 1959 II, p. 3475.

(c) S.I. 1963 II, p. 2770.

s.1 (2)

**SCHEDULE TO THE ORDER****CONSTITUTION OF MALTA****Arrangement of Sections****CHAPTER I****THE STATE***Section*

1. Territories.
2. Religion.
3. National Flag.
4. National Anthem.
5. Language.
6. Constitution to be supreme law.

**CHAPTER II****DECLARATION OF PRINCIPLES**

7. Right to work.
8. Promotion of culture, etc.
9. Safeguarding of landscape and historical and artistic patrimony.
10. Religious teaching in State schools.
11. Compulsory and free primary education.
12. Educational interests.
13. Protection of work.
14. Hours of work.
15. Rights of women workers.
16. Minimum age for paid labour.
17. Safeguarding labour of minors.
18. Social assistance and insurance.
19. Encouragement of private economic enterprise.
20. Protection of artisan trades.
21. Encouragement of co-operatives.
22. Application of the principles contained in this Chapter.

**CHAPTER III****CITIZENSHIP**

23. Persons who become citizens on appointed day.
24. Persons entitled to be registered as citizens.
25. Persons naturalised or registered as resident before appointed day.
26. Acquisition of citizenship by birth or descent by persons born on or after appointed day.
27. Marriage to citizen of Malta.
28. Dual citizenship.
29. Commonwealth citizens.
30. Criminal liability of Commonwealth citizens.
31. Powers of Parliament.
32. Interpretation.

## CHAPTER IV

## FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

*Section*

33. Fundamental rights and freedoms of the individual.
34. Protection of right to life.
35. Protection from arbitrary arrest or detention.
36. Protection from forced labour.
37. Protection from inhuman treatment.
38. Protection from deprivation of property without compensation.
39. Protection for privacy of home or other property.
40. Provisions to secure protection of law.
41. Protection of freedom of conscience.
42. Protection of freedom of expression.
43. Protection of freedom of assembly and association.
44. Prohibition of deportation.
45. Protection of freedom of movement.
46. Protection from discrimination on the grounds of race, etc.
47. Enforcement of protective provisions.
48. Interpretation of Chapter IV.

## CHAPTER V

## THE GOVERNOR-GENERAL

49. Establishment of office of Governor-General.
50. Discharge of Governor-General's functions during vacancy, etc.
51. Oaths to be taken by Governor-General.

## CHAPTER VI

## PARLIAMENT

## PART 1

*Composition of Parliament*

52. Establishment of Parliament.
53. Composition of the House of Representatives.
54. Qualifications for membership of House of Representatives.
55. Disqualifications for membership of House of Representatives.
56. Tenure of office of members.
57. Voting at Elections.
58. Qualification of voters.
59. Disqualification of voters.
60. Speaker and Deputy Speaker.
61. Establishment of Electoral Commission.
62. Electoral divisions.
63. Filling of vacancies.
64. Determination of questions as to membership.
65. Clerk to House of Representatives and his staff.



## PART 2

*Section Powers and Procedure of Parliament*

66. Power to make laws.
67. Alteration of this Constitution.
68. Regulation of procedure in House of Representatives.
69. Oath to be taken by members of House of Representatives.
70. Presiding in House of Representatives.
71. Quorum in House of Representatives.
72. Voting.
73. Mode of exercising legislative powers.
74. Restriction with regard to certain financial measures.
75. Language of Laws.

## PART 3

*Summoning, prorogation and dissolution*

76. Sessions of Parliament.
77. Prorogation and dissolution of Parliament.
78. General elections.

## CHAPTER VII

## THE EXECUTIVE

79. Executive authority of Malta.
80. The Cabinet.
81. Appointment of Ministers.
82. Tenure of office of Ministers.
83. Allocation of portfolios to Ministers.
84. Acting Prime Minister.
85. Temporary Ministers.
86. Exercise of functions of Governor-General.
87. Exercise of Prime Minister's functions.
88. Governor-General to be informed concerning matters of government.
89. Parliamentary Secretaries.
90. Oaths to be taken by Ministers.
91. Leader of the Opposition.
92. Crown Advocate-General.
93. Permanent Secretaries and heads of government departments.
94. Prerogative of mercy.
95. Secretary to the Cabinet.

## CHAPTER VIII

## THE JUDICIARY

## PART 1

*Courts*

96. Superior Courts.
97. Appointment of judges.
98. Tenure of office of judges.
99. Acting Chief Justice and acting judges.
100. Inferior Courts.
101. Magistrates.
102. Oaths to be taken by judges and magistrates.

**PART 2*****Appeals******Section***

- 103. Appeals to Her Majesty in Council.
- 104. Appeals from Superior Courts in criminal matters.

**CHAPTER IX****FINANCE**

- 105. Consolidated Fund.
- 106. Authorisation of expenditure from Consolidated Fund.
- 107. Authorisation of expenditure before appropriation.
- 108. Contingencies Fund.
- 109. Public debt.
- 110. Remuneration of the Governor-General and certain other officers.
- 111. Director of Audit.

**CHAPTER X****THE PUBLIC SERVICE**

- 112. Public Service Commission.
- 113. Appointment, etc., of public officers.
- 114. Principal representatives of Malta abroad.
- 115. Appointment on transfer in respect of certain offices.
- 116. Protection of pension rights.
- 117. Grant and withholding of pensions, etc.
- 118. Protection of Public Service Commission from legal proceedings.

**CHAPTER XI****MISCELLANEOUS**

- 119. Actions on validity of laws.
- 120. Prohibition of certain associations.
- 121. Broadcasting Authority.
- 122. Function of the Broadcasting Authority.
- 123. Powers and procedure of Commissions.
- 124. Resignations.
- 125. Reappointments, etc.
- 126. Interpretation.

**SCHEDULES TO THE CONSTITUTION****FIRST SCHEDULE.**

**SECOND SCHEDULE:** Oath of Allegiance.

**CONSTITUTION OF MALTA****CHAPTER I****THE STATE***Territories*

1. Until otherwise provided by law the territories of Malta consist of those territories comprised in Malta immediately before the appointed day, including the territorial waters thereof.

*Religion*

2.—(1) The Religion of Malta is the Roman Catholic Apostolic Religion.

(2) The State guarantees to the Roman Catholic Apostolic Church the right freely to exercise her proper spiritual and ecclesiastical functions and duties and to manage her own affairs.

*National Flag*

3. The National Flag of Malta consists of two equal vertical stripes white in the hoist and red in the fly. A representation of the George Cross awarded to Malta by His Majesty King George the Sixth on 15th April 1942 is carried, edged with red, in the canton of the white stripe.

*National Anthem*

4. The National Anthem of Malta is “L-Innu Malti” opening with the words “Lil din l-Art helwa l-Omm li tatna isimha”.

*Language*

5.—(1) The National language of Malta is the Maltese language.

(2) The Maltese and the English languages and such other language as may be prescribed by Parliament (by a law passed by not less than two-thirds of all the members of the House of Representatives) shall be the official languages of Malta and the Administration may for all official purposes use any of such languages:

Provided that any person may address the Administration in any of the official languages and the reply of the Administration thereto shall be in such language.

(3) The language of the Courts shall be the Maltese language:

Provided that Parliament may make such provision for the use of the English language in such cases and under such conditions as it may prescribe.

(4) The House of Representatives may, in regulating its own procedure, determine the language or languages that shall be used in parliamentary proceedings and records.

*Constitution to be supreme law*

6. Subject to the provisions of sections 48(7) and (9) and 67 of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

## CHAPTER II

## DECLARATION OF PRINCIPLES

*Right to work*

7. The State recognises the right of all citizens to work and shall promote such conditions as will make this right effective.

*Promotion of culture, etc.*

8. The State shall promote the development of culture and scientific and technical research.

*Safeguarding of landscape and historical and artistic patrimony*

9. The State shall safeguard the landscape and the historical and artistic patrimony of the Nation.

*Religious teaching in State schools*

10. Religious teaching of the Roman Catholic Apostolic faith shall be provided in all State schools.

*Compulsory and free primary education*

11. Primary education shall be compulsory and in State schools shall be free of charge.

*Educational interests*

12.—(1) Capable and deserving students, even if without financial resources, are entitled to attain the highest grades of education.

(2) The State shall give effect to this principle by means of scholarships, of contributions to the families of students and other provisions on the basis of competitive examinations.

*Protection of work*

13.—(1) The State shall protect work.

(2) It shall provide for the professional or vocational training and advancement of workers.

*Hours of work*

14.—(1) The maximum number of hours of work per day shall be fixed by law.

(2) The worker is entitled to a weekly day of rest and to annual holidays with pay he cannot renounce this right.

*Rights of women workers*

15. The State shall aim at ensuring that women workers enjoy equal rights and the same wages for the same work as males.

*Minimum age for paid labour*

16. The minimum age for paid labour shall be prescribed by law.

*Safeguarding labour of minors*

17. The State shall provide for safeguarding the labour of minors and assure to them the right to equal pay for equal work.

*Social assistance and insurance*

18.—(1) Every citizen incapable of work and unprovided with the resources necessary for subsistence is entitled to maintenance and social assistance.

(2) Workers are entitled to reasonable insurance on a contributory basis for their requirements in case of accident, illness, disability, old-age and involuntary unemployment.

(3) Disabled persons and persons incapable of work are entitled to education and vocational training.

*Encouragement of private economic enterprise*

19. The State shall encourage private economic enterprise.

*Protection of artisan trades*

20. The State shall provide for the protection and development of artisan trades.

*Encouragement of co-operatives*

21. The State recognises the social function of co-operatives and shall encourage their development.

*Application of the principles contained in this Chapter*

22. The provisions of this Chapter shall not be enforceable in any court, but the principles therein contained are nevertheless fundamental to the governance of the country and it shall be the aim of the State to apply these principles in making laws.

## CHAPTER III

## CITIZENSHIP

*Persons who become citizens on appointed day*

23.—(1) Every person who, having been born in Malta, is on the day before the appointed day a citizen of the United Kingdom and Colonies shall become a citizen of Malta on the appointed day.

Provided that a person shall not become a citizen of Malta by virtue of this subsection if neither of his parents was born in Malta.

(2) Every person who, having been born outside Malta, is on the day before the appointed day a citizen of the United Kingdom and Colonies shall, if his father becomes, or would but for his death have become, a citizen of Malta in accordance with the provisions of sub-section (1) of this section, become a citizen of Malta on the appointed day.

*Persons entitled to be registered as citizens*

24.—(1) Any person who, but for the proviso to subsection (1) of section 23 of this Constitution, would be a citizen of Malta by virtue of that subsection shall be entitled, upon making application before the expiration of two years from the appointed day in such manner as may be prescribed, to be registered as a citizen of Malta :

Provided that a person who has not attained the age of eighteen years (other than a woman who is or has been married) may not himself make an

application under this subsection, but an application may be made on his behalf by the person who according to law has authority over him.

(2) Any woman who on the day before the appointed day is or has been married to a person—

(a) who becomes a citizen of Malta by virtue of section 23 of this Constitution ; or

(b) who having died before the appointed day would, but for his death, have become a citizen of Malta by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Malta.

(3) Any woman who on the day before the appointed day is or has been married to a person who becomes a citizen of Malta by registration under subsection (1) of this section shall be entitled, upon making application within such time and in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Malta.

(4) Any woman who on the day before the appointed day has been married to a person who becomes, or would, but for his death, have become entitled to be registered as a citizen of Malta under subsection (1) of this section, but whose marriage has been terminated by death or by such dissolution as is valid under the law of Malta shall be entitled, upon making application before the expiration of two years from the appointed day and in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Malta.

(5) The provisions of subsections (2), (3) and (4) of this section shall be without prejudice to the provisions of section 23 of this Constitution.

*Persons naturalised or registered as resident before appointed day*

25.—(1) Any person who on the day before the appointed day was a citizen of the United Kingdom and Colonies—

(a) having become such a citizen under the British Nationality Act 1948(a) by virtue of his having been naturalised in Malta as a British subject before that Act came into force ; or

(b) having become such a citizen by virtue of his having been naturalised or registered in Malta under that Act,

shall be entitled, upon making application before the expiration of two years from the appointed day in such manner as may be prescribed, to be registered as a citizen of Malta :

Provided that a person who has not attained the age of eighteen years (other than a woman who is or has been married) may not himself make an application under this subsection, but an application may be made on his behalf by the person who according to law has authority over him.

(2) Any person who on the day before the appointed day—

(a) was a Commonwealth citizen or a citizen of the Republic of Ireland, and

(b) is descended in the male line from a person born in Malta,

(a) 11 & 12 Geo. 6. c. 56.

and was on the day before the appointed day ordinarily resident in Malta and had been so resident throughout the period of five years immediately preceding that day shall be entitled, upon making application before the expiration of two years from the appointed day in such manner as may be prescribed, to be registered as a citizen of Malta :

Provided that a person who has not attained the age of eighteen years (other than a woman who is or has been married) may not himself make an application under this subsection, but an application may be made on his behalf by the person who according to law has authority over him.

*Acquisition of citizenship by birth or descent by persons born on or after appointed day*

26.—(1) Every person born in Malta on or after the appointed day shall become a citizen of Malta at the date of his birth :

Provided that a person shall not become a citizen of Malta by virtue of this subsection if at the time of his birth—

- (a) neither of his parents was a citizen of Malta and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Malta ; or
- (b) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy.

(2) A person born outside Malta on or after the appointed day shall become a citizen of Malta at the date of his birth if at that date his father is a citizen of Malta otherwise than by virtue of this subsection or subsection (2) of section 23 of this Constitution.

*Marriage to citizen of Malta*

27. Any woman who on or after the appointed day marries a person who is or becomes a citizen of Malta shall be entitled, upon making application in such manner as may be prescribed and, if she is a British protected person or an alien, upon taking the oath of allegiance, to be registered as a citizen of Malta.

*Dual citizenship*

28.—(1) Any person who, upon his attainment of the age of eighteen years, is a citizen of Malta and also a citizen of some country other than Malta shall cease to be a citizen of Malta upon his attainment of the age of nineteen years (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country and, in the case of a person who is a citizen of Malta by virtue of subsection (2) of section 23 of this Constitution, has made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(2) A person who—

- (a) has attained the age of eighteen years before the appointed day ; and
- (b) becomes a citizen of Malta on that day by virtue of the provisions of section 23 of this Constitution ; and
- (c) is immediately after that day also a citizen of some country other than Malta,

shall cease to be a citizen of Malta on the expiration of two years from the appointed day (or, in the case of a person of unsound mind, at such later

date as may be prescribed) unless he has renounced his citizenship of that other country and, in the case of a person who is a citizen of Malta by virtue of subsection (2) of section 23 of this Constitution, has made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(3) A citizen of Malta shall cease to be such a citizen if—

- (a) having attained the age of eighteen years, he acquires the citizenship of some country other than Malta by a voluntary act (other than marriage); or
- (b) having attained the age of eighteen years, he otherwise acquires the citizenship of some country other than Malta and has not, before the expiration of one year after the date on which he acquired the citizenship of that other country, renounced his citizenship of that other country and made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(4) A person who—

- (a) becomes a citizen of Malta by registration under section 24, 25 or 27 of this Constitution; and
- (b) is immediately after the day on which he becomes a citizen of Malta also a citizen of some other country,

shall cease to be a citizen of Malta on the expiration of six months after the date on which he acquired citizenship of Malta (or, in the case of a person of unsound mind, at such later date as may be prescribed) unless he has renounced his citizenship of that other country, and made and registered such declaration of his intentions concerning residence or employment as may be prescribed.

(5) For the purposes of this section, where, under the law of a country other than Malta, a person cannot renounce his citizenship of that other country, he may instead make such declaration concerning such citizenship as may be prescribed.

(6) Provision may be made by or under an Act of Parliament extending beyond the period specified in any provision of this section the period in which any person may make a renunciation of citizenship, or make or register a declaration for the purposes of that provision of this section, and if such provision is made that person shall not cease to be a citizen of Malta upon the expiration of the period specified in this section but shall cease to be such a citizen upon the expiration of the extended period if he has not then made the renunciation, or made or registered the declaration, as the case may be.

#### *Commonwealth citizens*

29.—(1) Every person who under this Constitution or any Act of Parliament is a citizen of Malta or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen.

(2) Every person who is a British subject without citizenship under the British Nationality Act 1948 or who continues to be a British subject under section 2 of that Act shall by virtue of that status have the status of a Commonwealth citizen.



(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and Colonies, Canada, Australia, New Zealand, India, Pakistan, Ceylon, Ghana, Malaysia, the Federation of Nigeria, the Republic of Cyprus, Sierra Leone, Southern Rhodesia, the United Republic of Tanganyika and Zanzibar, Jamaica, Trinidad and Tobago, Uganda, Kenya and Malawi.

#### *Criminal liability of Commonwealth citizens*

30.—(1) A Commonwealth citizen who is not a citizen of Malta or a citizen of the Republic of Ireland who is not a citizen of Malta shall not be guilty of an offence against any law in force in Malta by reason of anything done or omitted in any part of the Commonwealth other than Malta or in the Republic of Ireland or in any foreign country unless—

- (a) the act or omission would be an offence if he were an alien ; and
- (b) in the case of an act or omission in any part of the Commonwealth or in the Republic of Ireland, it would be an offence if the country in which the act was done or the omission made were a foreign country.

(2) In this section “foreign country” means a country (other than the Republic of Ireland) that is not a part of the Commonwealth.

#### *Powers of Parliament*

31.—(1) Parliament may make provision—

- (a) for the acquisition of citizenship of Malta by persons who do not become citizens of Malta by virtue of the provisions of this Chapter ;
- (b) for depriving of his citizenship of Malta any person who is a citizen of Malta otherwise than by virtue of—
  - (i) section 23 or subsection (1) of section 26 of this Constitution ;
  - or
  - (ii) subsection (2) of section 26 of this Constitution in relation to a person born outside Malta whose father at the date of that person’s birth is a citizen of Malta by virtue of subsection (1) of section 23 or subsection (1) of section 26 of this Constitution ;
- (c) for the renunciation by any person of his citizenship of Malta.

(2) Provision may be made by or under an Act of Parliament for extending the period in which any person may make an application for registration as a citizen of Malta, make a renunciation of citizenship, take an oath or make or register a declaration for the purposes of the provisions of this Chapter.

#### *Interpretation*

32.—(1) In this Chapter—

“alien” means a person who is not a Commonwealth citizen, a British protected person or a citizen of the Republic of Ireland ;

“British protected person” means a person who is a British protected person for the purposes of the British Nationality Act 1948 ;

“prescribed” means prescribed by or under any Act of Parliament.

(2) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the father of a person shall, in relation to a person born out of wedlock and not legitimated, be construed as a reference to the mother of that person and, in relation to an adopted child whose adoption has been registered under any law in force in Malta, be construed as a reference to the adopter or, in the case of a joint adoption, the male adopter, and references to the parent of such person shall be construed accordingly.

(4) Any reference in this Chapter to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death ; and where that death occurred before the appointed day and the birth occurred on or after the appointed day, the national status that the father would have had if he had died on the appointed day shall be deemed to be his national status at the time of his death.

#### CHAPTER IV

### FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

#### *Fundamental rights and freedoms of the individual*

33. Whereas every person in Malta is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely—

- (a) life, liberty, security of the person, the enjoyment of property and the protection of the law ;
- (b) freedom of conscience, of expression and of peaceful assembly and association ; and
- (c) respect for his private and family life,

the subsequent provisions of this Chapter shall have effect for the purpose of affording protection to the aforesaid rights and freedoms, subject to such limitations of that protection as are contained in those provisions being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

#### *Protection of right to life*

34.—(1) No person shall intentionally be deprived of his life save in execution of the sentence of a court in respect of a criminal offence under the law of Malta of which he has been convicted.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use of force to such extent as is reasonably justifiable in the circumstances of the case—

- (a) for the defence of any person from violence or for the defence of property ;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained ;
- (c) for the purpose of suppressing a riot, insurrection or mutiny ; or
- (d) in order to prevent the commission by that person of a criminal offence,

or if he dies as the result of a lawful act of war.

*Protection from arbitrary arrest or detention*

35.—(1) No person shall be deprived of his personal liberty save as may be authorised by law in the following cases, that is to say—

- (a) in consequence of his unfitness to plead to a criminal charge ;
- (b) in execution of the sentence or order of a court, whether in Malta or elsewhere, in respect of a criminal offence of which he has been convicted ;
- (c) in execution of the order of a court punishing him for contempt of that court or of another court or tribunal or in execution of the order of the House of Representatives punishing him for contempt of itself or of its members or for breach of privilege ;
- (d) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law ;
- (e) for the purpose of bringing him before a court in execution of the order of a court or before the House of Representatives in execution of the order of that House ;
- (f) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence ;
- (g) in the case of a person who has not attained the age of eighteen years, for the purpose of his education or welfare ;
- (h) for the purpose of preventing the spread of an infectious or contagious disease ;
- (i) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community ; or
- (j) for the purpose of preventing the unlawful entry of that person into Malta, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Malta or the taking of proceedings relating thereto or for the purpose of restraining that person while he is being conveyed through Malta in the course of his extradition or removal as a convicted prisoner from one country to another.

(2) Any person who is arrested or detained shall be informed, at the time of his arrest or detention, in a language that he understands, of the reasons for his arrest or detention :

Provided that if an interpreter is necessary and is not readily available or if it is otherwise impracticable to comply with the provisions of this subsection at the time of the person's arrest or detention, such provisions shall be complied with as soon as practicable.

(3) Any person who is arrested or detained—

(a) for the purpose of bringing him before a court in execution of the order of a court ; or

(b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence,

and who is not released, shall be brought not later than forty-eight hours before a court ; and if any person arrested or detained in such a case as is mentioned in paragraph (b) of this subsection is not tried within a reasonable time, then, without prejudice to any further proceedings which may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.

(4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that person.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the taking during such a period of public emergency as is referred to in paragraph (a) or (c) of subsection (2) of section 48 of this Constitution of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency.

(6) If any person who is lawfully detained by virtue only of such a law as is referred to in the last foregoing subsection so requests at any time during the period of that detention not earlier than six months after he last made such a request during that period, his case shall be reviewed by an independent and impartial tribunal established by law and composed of a person or persons each of whom holds or has held judicial office or is qualified to be appointed to such office in Malta.

(7) On any review by a tribunal in pursuance of the last foregoing subsection of the case of any detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by whom it was ordered, but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

#### *Protection from forced labour*

36.—(1) No person shall be required to perform forced labour.

(2) For the purposes of this section, the expression “forced labour” does not include—

(a) any labour required in consequence of the sentence or order of a court ;

- (b) labour required of any person while he is lawfully detained by sentence or order of a court that, though not required in consequence of such sentence or order, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained or, if he is detained for the purpose of his care, treatment, education or welfare, is reasonably required for that purpose ;
- (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service ;
- (d) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community.

*Protection from inhuman treatment*

37.—(1) No person shall be subjected to inhuman or degrading punishment or treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment which was lawful in Malta immediately before the appointed day.

(3) (a) No law shall provide for the imposition of collective punishments.

(b) Nothing in this subsection shall preclude the imposition of collective punishments upon the members of a disciplined force in accordance with the law regulating the discipline of that force.

*Protection from deprivation of property without compensation*

38.—(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where provision is made by a law applicable to that taking of possession or acquisition—

(a) for the payment of adequate compensation ;

(b) securing to any person claiming such compensation a right of access to an independent and impartial court or tribunal established by law for the purpose of determining his interest in or right over the property and the amount of any compensation to which he may be entitled, and for the purpose of obtaining payment of that compensation ; and

(c) securing to any party to proceedings in that court or tribunal relating to such a claim a right of appeal from its determination to the Court of Appeal in Malta.

(2) Nothing in this section shall be construed as affecting the making or operation of any law so far as it provides for the taking of possession or acquisition of property—

(a) in satisfaction of any tax, rate or due ;

- (b) by way of penalty for, or as a consequence of, breach of the law, whether under civil process or after conviction of a criminal offence ;
- (c) upon the attempted removal of the property out of or into Malta in contravention of any law ;
- (d) by way of the taking of a sample for the purposes of any law ;
- (e) where the property consists of an animal upon its being found trespassing or straying ;
- (f) as an incident of a lease, tenancy, licence, privilege or hypothec, mortgage, charge, bill of sale, pledge or other contract ;
- (g) by way of the vesting or administration of property on behalf and for the benefit of the person entitled to the beneficial interest therein, trust property, enemy property or the property of persons adjudged bankrupt or otherwise declared bankrupt or insolvent, persons of unsound mind, deceased persons, or bodies corporate or unincorporate in the course of being wound up or liquidated ;
- (h) in the execution of judgments or orders of courts ;
- (i) by reason of its being in a dangerous state or injurious to the health of human beings, animals or plants ;
- (j) in consequence of any law with respect to the limitation of actions, acquisitive prescription, derelict land, treasure trove, mortmain or the rights of succession competent to the Crown ; or
- (k) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, the carrying out thereon—
  - (i) of work of soil conservation or the conservation of other natural resources of any description or of war damage reconstruction ;  
or
  - (ii) of agricultural development or improvement which the owner or occupier of the land has been required, and has without reasonable and lawful excuse refused or failed to carry out.

(3) Nothing in this section shall be construed as affecting the making or operation of any law so far as it provides for vesting in the Government of Malta the ownership of any underground minerals, water or antiquities.

(4) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate which is established for public purposes by any law and in which no monies have been invested other than monies provided by any legislature in Malta

*Protection for privacy of home or other property*

39.—(1) Except with his own consent or by way of parental discipline, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required in the interest of defence, public safety, public order, public morality or decency, public health, town and country planning, the development and utilisation of mineral resources, or the development and utilisation of any property in such a manner as to promote the public benefit;
- (b) that is reasonably required for the purpose of promoting the rights or freedoms of other persons;
- (c) that authorises a department of the Government of Malta, or a local government authority, or a body corporate established by law for a public purpose, to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property or installation which is lawfully on those premises and which belongs to that Government, that authority, or that body corporate, as the case may be; or
- (d) that authorises, for the purpose of enforcing a judgment or order of a court, the search of any person or property by order of a court or entry upon any premises by such order, or that is necessary for the purpose of preventing or detecting criminal offences,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

*Provisions to secure protection of law*

40.—(1) Whenever any person is charged with a criminal offence he shall, unless the charge is withdrawn, be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

(2) Any court or other adjudicating authority prescribed by law for the determination of the existence or the extent of civil rights or obligations shall be independent and impartial; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(3) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings relating to the determination of the existence or the extent of a person's civil rights or obligations before any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(4) Nothing in subsection (3) of this section shall prevent any court or any authority such as is mentioned in that subsection from excluding from the proceedings persons other than the parties thereto and their legal representatives—

- (a) in proceedings before a court of voluntary jurisdiction and other proceedings which, in the practice of the Courts in Malta are, or are of the same nature as those which are, disposed of in chambers;
- (b) in proceedings under any law relating to income tax; or

(c) to such extent as the court or other authority—

- (i) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice ; or
- (ii) may be empowered or required by law to do so in the interests of defence, public safety, public order, public morality or decency, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings.

(5) Every person who is charged with a criminal offence shall be presumed to be innocent until he is proved or has pleaded guilty :

Provided that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this subsection to the extent that the law in question imposes upon any person charged as aforesaid the burden of proving particular facts.

(6) Every person who is charged with a criminal offence—

- (a) shall be informed in writing, in a language which he understands and in detail, of the nature of the offence charged ;
- (b) shall be given adequate time and facilities for the preparation of his defence ;
- (c) shall be permitted to defend himself in person or by a legal representative and a person who cannot afford to pay for such legal representation as is reasonably required by the circumstances of his case shall be entitled to have such representation at the public expense ;
- (d) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before any court and to obtain the attendance of witnesses subject to the payment of their reasonable expenses, and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution ; and
- (e) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge.

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(7) When a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(8) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place constitute such an offence, and no penalty shall be imposed for any criminal offence which is severer in degree or description than the maximum



penalty which might have been imposed for that offence at the time when it was committed.

(9) No person who shows that he has been tried by any competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence save upon the order of a superior court made in the course of appeal or review proceedings relating to the conviction or acquittal; and no person shall be tried for a criminal offence if he shows that he has been pardoned for that offence:

Provided that nothing in any law shall be held to be inconsistent with or in contravention of this subsection by reason only that it authorises any court to try a member of a disciplined force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so however that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(10) No person who is tried for a criminal offence shall be compelled to give evidence at his trial.

(11) In this section "legal representative" means a person entitled to practise in Malta as an advocate or, except in relation to proceedings before a court where a legal procurator has no right of audience, a legal procurator.

#### *Protection of freedom of conscience*

41.—(1) All persons in Malta shall have full freedom of conscience and enjoy the free exercise of their respective modes of religious worship.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1), to the extent that the law in question makes provision that is reasonably required in the interests of public safety, public order, public morality or decency, public health, or the protection of the rights and freedoms of others, and except so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society.

#### *Protection of freedom of expression*

42.—(1) Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that the law in question makes provision—

(a) that is reasonably required—

(i) in the interests of defence, public safety, public order, public morality or decency, or public health; or

- (ii) for the purpose of protecting the reputations, rights and freedoms of other persons, or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, protecting the privileges of Parliament, or regulating telephony, telegraphy, posts, wireless broadcasting, television or other means of communication, public exhibitions or public entertainments ; or

(b) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(3) Anyone who is resident in Malta may edit or print a newspaper or journal published daily or periodically :

Provided that provision may be made by law—

- (a) prohibiting or restricting the editing or printing of any such newspaper or journal by persons under twenty-one years of age ; and  
 (b) requiring any person who is the editor or printer of any such newspaper or journal to inform the prescribed authority to that effect and of his age and to keep the prescribed authority informed of his place of residence.

(4) Where the police seize any edition of a newspaper as being the means whereby a criminal offence has been committed they shall within twenty-four hours of the seizure bring the seizure to the notice of the competent court and if the court is not satisfied that there is a *prima facie* case of such offence, that edition shall be returned to the person from whom it was seized.

(5) No person shall be deprived of his citizenship under any provisions made under section 31 (1) (b) of this Constitution or of his juridical capacity by reason only of his political opinions.

#### *Protection of freedom of assembly and association*

43.—(1) Except with his own consent or by way of parental discipline no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association, that is to say, his right peacefully to assemble freely and associate with other persons and in particular to form or belong to trade or other unions or associations for the protection of his interests.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required—

- (i) in the interests of defence, public safety, public order, public morality or decency, or public health ; or  
 (ii) for the purpose of protecting the rights or freedoms of other persons ; or

(b) that imposes restrictions upon public officers,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

#### *Prohibition of deportation*

44.—(1) Extradition is only permitted in pursuance of arrangements made by treaty and under the authority of a law.

- (2) No person shall be extradited for an offence of a political character.
- (3) No citizen of Malta shall be removed from Malta except as a result of extradition proceedings or under any such law as is referred to in section 45(3)(b) of this Constitution.

(4) The provisions made by or under the Fugitive Offenders Act 1881(a), as for the time being in force in Malta, for the removal of persons from Malta to another country to undergo trial or punishment in that country in respect of an offence committed in that country and any general arrangements for the extradition of persons between Commonwealth countries to which Malta for the time being adheres shall be deemed, for the purposes of subsection (1) of this section, to be arrangements made by treaty, and subsection (2) shall not apply in relation to the removal or extradition of a person under such provisions or arrangements.

*Protection of freedom of movement*

45.—(1) No citizen of Malta shall be deprived of his freedom of movement, and for the purpose of this section the said freedom means the right to move freely throughout Malta, the right to reside in any part of Malta, the right to leave and the right to enter Malta.

(2) Any restriction on a citizen's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) for the imposition of restrictions that are reasonably required in the interests of defence, public safety, public order, public morality or decency, or public health and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society;
- (b) for the imposition of restrictions on the freedom of movement of any citizen of Malta who is not a citizen by virtue of section 23(1) or 26(1) of this Constitution;
- (c) for the imposition of restrictions upon the movement or residence within Malta of public officers; or
- (d) for the imposition of restrictions on the right of any person to leave Malta that are reasonably required in order to secure the fulfilment of any obligation imposed on that person by law and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

(4) For the purposes of this section any person—

- (a) who has emigrated from Malta (whether before, on or after the appointed day) and, having been a citizen of Malta by virtue of section 23(1) or 26(1) of this Constitution, has ceased to be such a citizen; or
- (b) who emigrated from Malta before the appointed day and, but for his having ceased to be a citizen of the United Kingdom and Colonies

before that day, would have become a citizen of Malta by virtue of section 23(1) of this Constitution ; or

- (c) who is the wife of a person mentioned in paragraph (a) or (b) of this subsection or of a person who is a citizen of Malta by virtue of section 23(1) or 26(1) of this Constitution and is living with that person or is the child under twenty-one years of age of such a person ;

shall be deemed to be a citizen of Malta by virtue of section 23(1) or 26(1) of this Constitution.

(5) If any person whose freedom of movement has been restricted by virtue of such a provision as is referred to in subsection (3)(a) of this section so requests at any time during the period of that restriction not earlier than six months after the order was made or six months after he last made such request, as the case may be, his case shall be reviewed by an independent and impartial tribunal established by law composed of a person or persons each of whom holds or has held judicial office or is qualified to be appointed to such office in Malta :

Provided that a person whose freedom of movement has been restricted by virtue of a restriction which is applicable to persons generally or to general classes of persons shall not make a request under this subsection unless he has first obtained the consent of the Civil Court, First Hall.

(6) On any review by a tribunal in pursuance of this section of the case of a person whose freedom of movement has been restricted the tribunal may make recommendations concerning the necessity or expediency of continuing the restriction to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

*Protection from discrimination on the grounds of race, etc.*

46.—(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

(3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the appropriation of public revenues or other public funds ; or
- (b) with respect to persons who are not citizens of Malta ; or
- (c) with respect to adoption, marriage, dissolution of marriage, burial, devolution of property on death or any matters of personal law not hereinbefore specified ; or

- (d) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description and to any other provision of this Constitution, is reasonably justifiable in a democratic society ; or
- (e) for authorising the taking during a period of public emergency of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period of public emergency.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established for public purposes by any law.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 39, 41, 42, 43 and 45 of this Constitution, being such a restriction as is authorised by section 39(2), 41(2), 42(2), 43(2) or 45(3).

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

(9) Notwithstanding any other provision of this Constitution, no person not professing the Roman Catholic Apostolic Religion shall hold any office entailing the teaching of that religion.

#### *Enforcement of protective provisions*

47.—(1) Subject to the provisions of subsections (6) and (7) of this section, any person who alleges that any of the provisions of sections 34 to 46 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him, or such other person as the Civil Court, First Hall, in Malta may appoint at the instance of any person who so alleges, may, without prejudice to any other action with respect to the same matter that is lawfully available, apply to the Civil Court, First Hall, for redress.

(2) The Civil Court, First Hall, shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1) of this section, and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of the provisions of the said sections 34 to 46 (inclusive) to the protection of which the person concerned is entitled :

Provided that the Court may, if it considers it desirable so to do, decline to exercise its powers under this subsection in any case where it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.

(3) If in any proceedings in any court other than the Civil Court, First Hall, or the Constitutional Court any question arises as to the contravention of any of the provisions of the said sections 34 to 46 (inclusive), that court shall refer the question to the Civil Court, First Hall, unless in its opinion the raising of the question is merely frivolous or vexatious; and that court shall give its decision on any question referred to it under this subsection and, subject to the provisions of subsection (4) of this section, and of section 103(2) of this Constitution, the court in which the question arose shall dispose of the question in accordance with that decision.

(4) Any party to proceedings brought in the Civil Court, First Hall, in pursuance of this section shall have a right of appeal to the Constitutional Court.

(5) No appeal shall lie from any determination under this section that any application or the raising of any question is merely frivolous or vexatious.

(6) Provision may be made by or under an Act of Parliament for conferring upon the Civil Court, First Hall, such powers in addition to those conferred by this section as are necessary or desirable for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by this section.

(7) Rules of court making provision with respect to the practice and procedure of the Courts of Malta for the purposes of this section may be made by the person or authority for the time being having power to make rules of court with respect to the practice and procedure of those Courts, and shall be designed to secure that the procedure shall be by application and that the hearing shall be as expeditious as possible.

#### *Interpretation of Chapter IV*

48.—(1) In this Chapter, save where the context otherwise requires, the following expressions shall have the following meanings respectively, that is to say—

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

“court” means any court of law in Malta other than a court constituted by or under a disciplinary law and in sections 34 and 36 of this Constitution includes, in relation to an offence against a disciplinary law, a court so constituted;

“disciplinary law” means a law regulating the discipline—

(a) of any disciplined force; or

(b) of persons serving prison sentences;

“disciplined force” means—

(a) a naval, military or air force of the Crown in right of the Government of Malta;

- (b) the Malta Police Force ;
- (c) any other police force established by law in Malta ;
- (d) the Malta prison service ;

“ member ”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline:

(2) In this Chapter “ period of public emergency ” means any period during which—

- (a) Malta is engaged in any war ; or
- (b) there is in force a proclamation by the Governor-General declaring that a state of public emergency exists ; or
- (c) there is in force a resolution of the House of Representatives supported by the votes of not less than two-thirds of all the Members of the House declaring that democratic institutions in Malta are threatened by subversion.

(3) (a) Where any proclamation of emergency has been made, the occasion therefor shall forthwith be communicated to the House of Representatives and, if the House is then separated by such adjournment or prorogation as will not expire within ten days the Governor-General shall by proclamation summon it to meet within five days and it shall accordingly meet and sit upon the day appointed by the proclamation and shall continue to sit and act as if it had stood adjourned or prorogued to that day.

(b) A proclamation of emergency shall, unless it is sooner revoked by the Governor-General, cease to be in force at the expiration of a period of fourteen days beginning on the date on which it was made or such longer period as may be provided under the next following paragraph, but without prejudice to the making of another proclamation of emergency at or before the end of that period.

(c) If at any time while a proclamation of emergency is in force (including any time while it is in force by virtue of this paragraph) a resolution is passed by the House of Representatives approving its continuance in force for a further period, not exceeding three months, beginning on the date on which it would otherwise expire, the proclamation shall, if not sooner revoked, continue in force for that further period.

(4) A resolution such as is referred to in paragraph (c) of subsection (2) of this section shall, unless it is sooner revoked by the House of Representatives, cease to be in force at the expiration of twelve months beginning on the date on which it was passed or such shorter period as may be specified therein, but without prejudice to the passing of another resolution by the House of Representatives in the manner prescribed by that paragraph at or before the end of that period.

(5) In relation to any person who is a member of a disciplined force raised under any law in force in Malta, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 34, 36 and 37.

(6) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Malta, nothing

contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

(7) Nothing contained in any such law as is specified in the First Schedule to this Constitution and, until the expiration of a period of three years commencing with the appointed day, nothing contained in any other law made before the appointed day shall be held to be inconsistent with the provisions of sections 34 to 46 (inclusive) of this Chapter and, subject as aforesaid, nothing done under the authority of any such law shall be held to be done in contravention of those sections.

(8) Where any provision of law enacted before the appointed day is held to be inconsistent with any of the provisions of sections 34 to 46 (inclusive) of this Chapter, no person shall be entitled to compensation in respect of anything done under the authority of that provision before it was so held to be inconsistent.

(9) Nothing in section 38 of this Constitution shall affect the operation of any law in force immediately before 3rd March 1962 or any law made on or after that date that amends or replaces any law in force immediately before that date (or such a law as from time to time amended or replaced in the manner described in this subsection) and that does not—

- (a) add to the kinds of property that may be taken possession of or the rights over and interests in property that may be acquired ;
- (b) add to the purposes for which or circumstances in which such property may be taken possession of or acquired ;
- (c) make the conditions governing entitlement to compensation or the amount thereof less favourable to any person owning or interested in the property ; or
- (d) deprive any person of any right such as is mentioned in paragraph (b) or paragraph (c) of section 38(1) of this Constitution.

## CHAPTER V

### THE GOVERNOR-GENERAL

#### *Establishment of office of Governor-General*

49. There shall be a Governor-General of Malta who shall be appointed by Her Majesty and shall hold office during Her Majesty's pleasure and who shall be Her Majesty's representative in Malta.

#### *Discharge of Governor-General's functions during vacancy, etc.*

50. Whenever the office of Governor-General is vacant or the holder of the office is absent from Malta or is for any reason unable to perform the functions conferred upon him by this Constitution, those functions shall be performed by such person as Her Majesty may appoint or, if there is no person in Malta so appointed and able to perform those functions, by the Chief Justice.

#### *Oaths to be taken by Governor-General*

51. A person appointed to or assuming the functions of the office of Governor-General shall, before entering upon that office, take and subscribe the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law for the time being in force in Malta.



**CHAPTER VI**  
**PARLIAMENT**

**PART 1**

*Composition of Parliament*

*Establishment of Parliament*

52. There shall be a Parliament of Malta which shall consist of Her Majesty and a House of Representatives.

*Composition of the House of Representatives*

53.—(1) Subject to the provisions of this Chapter, the House of Representatives shall consist of fifty members who shall be elected in the manner provided by or under any law for the time being in force in Malta in equal proportions from the electoral divisions referred to in section 57 of this Constitution and who shall be known as "Members of Parliament".

(2) If any person who is not a member of the House of Representatives is elected to be Speaker of the House he shall, by virtue of holding the office of Speaker, be a member of the House in addition to the said fifty members.

*Qualifications for membership of House of Representatives*

54. Subject to the provisions of section 55 of this Constitution, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be qualified to be so elected unless, he has the qualifications for registration as a voter for the election of members of the House of Representatives mentioned in section 58 of this Constitution.

*Disqualifications for membership of House of Representatives*

55.—(1) No person shall be qualified to be elected as a member of the House of Representatives—

- (a) if he is a citizen of a country other than Malta having become such a citizen voluntarily or is under a declaration of allegiance to such a country ;
- (b) save as otherwise provided by Parliament, if he holds or is acting in any public office or is a member of the armed forces of the Crown ;
- (c) if he is a party to, or is a partner with unlimited liability in a partnership or a director or manager of a company which is a party to, any contract with the Government of Malta for or on account of the public service and has not, within one month before the date of election, published in the Gazette a notice setting out the nature of any such contract, and his interest, or the interest of any such partnership or company, therein ;
- (d) if he is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Malta ;
- (e) if he is interdicted or incapacitated for any mental infirmity or for prodigality by a court in Malta, or is otherwise determined in Malta to be of unsound mind ;

- (f) if he is under sentence of death imposed on him by any court in Malta or is serving a sentence of imprisonment (by whatever name called), exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ;
- (g) if he holds or is acting in any office the functions of which involve any responsibility for, or in connection with, the conduct of any election of members of the House of Representatives or the compilation or revision of any electoral register ;
- (h) if he is disqualified for membership of the House of Representatives by or under any law for the time being in force in Malta by reason of his having been convicted of any offence connected with the election of members of the House of Representatives.
- (2) For the purposes of paragraph (f) of subsection (1) of this section—
- (a) two or more sentences that are required to be served consecutively shall be regarded as separate sentences if none of them exceeds twelve months, but if any one of them exceeds that term they shall be regarded as one sentence ; and
- (b) no account shall be taken of a sentence of imprisonment imposed as an alternative to, or in default of, the payment of a fine.
- (3) A person shall not be treated as holding, or acting in, a public office for the purpose of paragraph (b) of subsection (1) of this section—
- (a) if he is on leave of absence pending relinquishment of a public office ;
- (b) if he is a teacher at the Royal University of Malta who is not by the terms of his employment prevented from the private practice of his profession or called upon to place his whole time at the disposal of the Government of Malta.

#### *Tenure of office of members*

56.—(1) The seat of a member of Parliament shall become vacant—

- (a) upon the next dissolution of Parliament after his election ;
- (b) if he resigns his seat by writing under his hand addressed to the Speaker or, if the office of Speaker is vacant or the Speaker is absent from Malta, to the Deputy Speaker ;
- (c) if he becomes a party to any contract with the Government of Malta for or on account of the public service, or if any partnership in which he is a partner with unlimited liability or a company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner with unlimited liability in a partnership or a director or manager of a company that is a party to any such contract :

Provided that he shall not vacate his seat under the provisions of this paragraph if before becoming a party to the contract or before, or as soon as practicable after, becoming otherwise interested in the contract (whether as a partner with unlimited liability in a partnership or as a director or manager of a company) he discloses to the Speaker the nature of the contract and his interest or the interest of the partnership or company therein and the House of Representatives by resolution exempts him from the provisions of this paragraph ;

- (d) if he is absent from the sittings of the House of Representatives for such period and in such circumstances as may be prescribed by the Standing Orders of the House ;
- (e) if he ceases to be a citizen of Malta ;
- (f) if he ceases to be qualified for registration as a voter for the election of members of the House of Representatives :
- (g) subject to the provisions of subsection (2) of this section, if any circumstances arise that if he were not a member of the House of Representatives, would cause him to be disqualified for election thereto.

(2) (a) If circumstances such as are referred to in paragraph (g) of subsection (1) of this section arise because any member of the House of Representatives is under sentence of death or imprisonment, interdicted or incapacitated or adjudged to be of unsound mind, adjudged or otherwise declared bankrupt or convicted of an offence connected with elections and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the House but, subject to the provisions of this section, he shall not vacate his seat until the expiration of a period of thirty days thereafter :

Provided that the Speaker may, from time to time, extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so however that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

(b) If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.

(c) If at any time before the member vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he may resume the performance of his functions as a member of the House of Representatives.

(d) For the purposes of this subsection "appeal" means, in the case of an order by a court of voluntary jurisdiction for the interdiction or incapacitation of a member of the House of Representatives, the taking of any action for the review of that order before the Civil Court, First Hall.

#### *Voting at Elections*

57.—(1) The members of the House of Representatives shall be elected upon the principle of proportional representation by means of the single transferable vote from ten electoral divisions.

(2) No person shall vote at the election of members of the House of Representatives for any electoral division who is not registered under any law for the time being in force in Malta as a voter in that division.

(3) At the election of members of the House of Representatives—

- (a) voting shall be by ballot and shall be carried out in such a manner as not to disclose the way in which the vote of any particular voter is given ; and

(b) no person shall be permitted to vote on behalf of another :

Provided that provision may be made by law whereby, if a person is unable, by reason of blindness, other physical cause or illiteracy to mark his ballot paper, his ballot paper may be marked on his behalf and on his directions by some other person officially supervising the poll at the place of voting.

(4) Ballot papers shall be drawn up in such a way as to enable illiterates to distinguish between the political parties to which candidates belong.

(5) Candidates and their agents shall be given facilities to watch the transportation of ballot boxes and the sealing and unsealing thereof.

#### *Qualification of voters*

58. Subject to the provisions of section 59 of this Constitution, a person shall be qualified to be registered as a voter for the election of members of the House of Representatives if, and shall not be qualified to be so registered unless—

(a) he is a citizen of Malta ;

(b) he has attained the age of twenty-one years ; and

(c) he is resident in Malta and has during the two years immediately preceding his registration been so resident for a continuous period of one year or for periods amounting in the aggregate to one year.

#### *Disqualification of voters*

59. No person shall be qualified to be registered as a voter for the election of members of the House of Representatives if—

(a) he is interdicted or incapacitated for any mental infirmity by a court in Malta or is otherwise determined in Malta to be of unsound mind ;

(b) he is under sentence of death imposed on him by any court in Malta or is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended ; or

(c) he is disqualified for registration as a voter by or under any law for the time being in force in Malta by reason of his having been convicted of any offence connected with the election of members of the House of Representatives.

#### *Speaker and Deputy Speaker*

60.—(1) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be the Speaker of the House ; and if the office of Speaker falls vacant at any time before the next dissolution of Parliament, the House shall, as soon as practicable, elect another person to that office.

(2) The Speaker may be elected either—

(a) from among persons who are members of the House of Representatives, but are not Ministers or Parliamentary Secretaries, or

(b) from among persons who are not members of the House of Representatives and are qualified for election as members thereof.

(3) When the House of Representatives first meets after any general election and before it proceeds to the despatch of any other business except the election of the Speaker, the House shall elect a member of the House, who is not a Minister or a Parliamentary Secretary, to be Deputy Speaker of the House ; and if the office of Deputy Speaker falls vacant at any time before the next dissolution of Parliament, the House shall, as soon as convenient, elect another such member to that office.

(4) A person shall vacate the office of Speaker or Deputy Speaker—

(a) in the case of a Speaker elected from among the members of the House of Representatives or in the case of the Deputy Speaker—

(i) if he ceases to be a member of the House :

Provided that the Speaker shall not vacate his office by reason only that he has ceased to be a member of the House on a dissolution of Parliament, until the House first meets after that dissolution :

(ii) if he is appointed to be a Minister or a Parliamentary Secretary ;

(b) in the case of a Speaker elected from among persons who are not members of the House of Representatives—

(i) when the House first meets after any dissolution of Parliament ;

(ii) if any circumstances arise that would cause him to be disqualified for election as a member of the House of Representatives ;

(c) if he announces his resignation of his office to the House of Representatives or if by writing under his hand addressed, in the case of the Speaker to the Clerk of the House and in the case of the Deputy Speaker to the Speaker (or, if the office of Speaker is vacant or the Speaker is absent from Malta, to the Clerk of the House) he resigns that office ; or

(d) in the case of the Deputy Speaker, if he is elected to be Speaker.

(5) (a) If, by virtue of subsection (2) of section 56 of this Constitution, the Speaker or Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives he shall also cease to perform his functions as Speaker or Deputy Speaker, as the case may be, and those functions shall until he vacates his seat in the House or resumes the performance of the functions of his office, be performed—

(i) in the case of the Speaker, by the Deputy Speaker or, if the office of Deputy Speaker is vacant or the Deputy Speaker is required to cease to perform his functions as a member of the House of Representatives by virtue of subsection (2) of section 56 of this Constitution, by such member of the House (not being a Minister or Parliamentary Secretary) as the House may elect for the purpose ;

(ii) in the case of the Deputy Speaker, by such member of the House (not being a Minister or Parliamentary Secretary) as the House may elect for the purpose.

(b) If the Speaker or Deputy Speaker resumes the performance of his functions as a member of the House, in accordance with the provisions of subsection (2) of section 56 of this Constitution, he shall also resume the performance of his functions as Speaker or Deputy Speaker, as the case may be.

***Establishment of Electoral Commission***

61.—(1) There shall be an Electoral Commission for Malta.

(2) The Electoral Commission shall consist of a Chairman, who shall be the person for the time being holding the office of Chief Electoral Commissioner and who shall be appointed to that office from the public service, and such number of members not being less than four as may be prescribed by any law for the time being in force in Malta.

(3) The members of the Electoral Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition.

(4) A person shall not be qualified to hold office as a member of the Electoral Commission if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to, the House of Representatives or a public officer.

(5) Subject to the provisions of this section, a member of the Electoral Commission shall vacate his office—

(a) at the expiration of three years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed ; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) Subject to the provisions of subsection (7) of this section, a member of the Electoral Commission may be removed from office by the Governor-General acting in accordance with the advice of the Prime Minister.

(7) A member of the Electoral Commission shall not be removed from office except for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(8) If the office of a member of the Electoral Commission is vacant or if a member is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition, may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Commission ; and any person so appointed shall, subject to the provisions of subsections (5), (6) and (7) of this section, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(9) In the exercise of its functions under this Constitution the Electoral Commission shall not be subject to the direction or control of any other person or authority.

***Electoral divisions***

62.—(1) The Electoral Commission shall review the boundaries of the electoral divisions referred to in section 57(1) of this Constitution at intervals of not less than two nor more than five years and may, in accordance with the provisions of this section, alter such boundaries to such extent as it considers desirable in the light of the review :

Provided that the Commission shall carry out such a review and, in accordance with the provisions of this section, alter the said boundaries whenever Parliament has made provision altering the number of electoral divisions or altering the number of the members of the House of Representatives in such a way that that number is not divisible by the number of electoral divisions ; and in addition the Commission may at any time carry out such a review and, in accordance with the provisions of this section, alter the said boundaries to such extent as it considers desirable in consequence of the holding of a census of the population in pursuance of any law.

(2) Any provision by Parliament altering the number of electoral divisions or altering the number of the members of the House of Representatives in such a way that that number is not divisible by the number of electoral divisions shall come into effect when the alteration of the boundaries of the electoral divisions that, in accordance with the provisions of subsection (1) of this section, is consequential thereon comes into effect.

(3) Any alteration of boundaries under this section shall come into effect upon the next dissolution of Parliament after the alteration has been approved by the House of Representatives:

Provided that nothing in this subsection shall be construed as preventing the publication of any electoral register or any other requirement connected with the registration of voters from being carried out in accordance with the alteration, under any law for the time being in force in Malta, before that dissolution.

(4) An alteration of the boundaries of any electoral division under this section shall be made in such manner as secures that, at the time when the Commission carries out its review, the number obtained by dividing the total electorate in the division (as ascertained by reference to the electoral register in force at that time) by the number of members to be returned to the House of Representatives from that division is as nearly equal to the electoral quota as is reasonably practicable:

Provided that any such alteration may be made in such manner that the number of voters in that division is, at the time when the Commission carries out its review, greater or less than the electoral quota multiplied by the number of members to be so returned, but in no case by more than fifteen per centum, in order to take account of means of communication, differences in density of population, parish boundaries and other relevant factors.

(5) For the purposes of any review carried out under this section, "electoral quota" means the number obtained by dividing the total electorate of Malta (as ascertained from the electoral register in force at the time when the Commission carries out that review) by the total number of members to be returned to the House of Representatives at the general election following the next dissolution of Parliament.

(6) The conduct of elections in every electoral division and of any vote taken under the provisions of section 67(3) of this Constitution shall be subject to the direction and supervision of the Electoral Commission.

#### *Filling of vacancies*

63. Whenever the seat of any member of the House of Representatives becomes vacant the vacancy shall be filled in the manner provided by or under any law for the time being in force in Malta.

***Determination of questions as to membership***

64. Any question whether—

- (a) any person has been validly elected as a member of the House of Representatives ;
- (b) any member of the House has vacated his seat therein or is required, under the provisions of subsection (2) of section 56 of this Constitution, to cease to perform his functions as a member ; or
- (c) any person has been validly elected as Speaker from among persons who are not members of the House or, having been so elected, has vacated the office of Speaker,

shall be referred to and determined by the Constitutional Court in accordance with the provisions of any law for the time being in force in Malta, and the determination by the Constitutional Court of any such question shall be final.

***Clerk to House of Representatives and his staff***

65.—(1) There shall be a Clerk to the House of Representatives.

(2) The office of the Clerk to the House of Representatives and the offices of the members of his staff shall be public offices.

**PART 2*****Powers and Procedure of Parliament******Power to make laws***

66.—(1) Subject to the provisions of this Constitution, Parliament may make laws for the peace, order and good government of Malta.

(2) Without prejudice to the generality of subsection (1) and subject to the provisions of subsections (3), (4) and (5) of this section, Parliament may by law determine the privileges, immunities and powers of the House of Representatives and the members thereof.

(3) No civil or criminal proceedings may be instituted against any member of the House of Representatives for words spoken before, or written in a report to, the House or a committee thereof or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise.

(4) For the duration of any session members of the House of Representatives shall enjoy freedom from arrest for any civil debt except a debt the contraction of which constitutes a criminal offence.

(5) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the House of Representatives while the House is sitting or through the Speaker, the Clerk or any officer of the House.

***Alteration of this Constitution***

67.—(1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Malta) any of the provisions of the Malta Independence Act 1964.

(2) In so far as it alters—

- (a) section 5, sections 33 to 48 (inclusive), sections 57, 61, 62, subsection (3) of section 66, sections 92, 96 (other than subsection (2) thereof), 97, 98, 99, 100, 101, 105 to 113 (inclusive), 116, 117, 121 or 122 of this Constitution ; or



- (b) section 103 of this Constitution at any time within five years from the appointed day ; or
- (c) section 126 of this Constitution in its application to any of the provisions specified in paragraph (a) or, subject to the limitation therein contained, paragraph (b) of this subsection,

a bill for an Act of Parliament under this section shall not be passed in the House of Representatives unless at the final voting thereon in that House it is supported by the votes of not less than two-thirds of all the members of the House.

(3) In so far as it alters—

- (a) this section ;
- (b) sections 2, 3, 4, 49, 52, 58, subsection (2) of section 76, section 77, section 78, subsection (1) of section 79, section 81, and subsection (2) of section 96 of this Constitution ;
- (c) section 126 of this Constitution in its application to any of the provisions specified in paragraph (a) or (b) of this subsection ; or
- (d) any of the provisions of the Malta Independence Act 1964,

a bill for an Act of Parliament under this section shall not be presented to the Governor-General for his assent unless not less than three nor more than six months after its passage through the House in the manner specified in subsection (2) of this section it has been submitted to the electors qualified to vote for the election of members of the House of Representatives and the majority of the electors voting have approved the bill.

(4) The provisions of section 57(3) of this Constitution shall apply to the voting on a bill submitted to the electors under subsection (3) of this section as they apply to voting at the election of members of the House of Representatives, and subject as aforesaid the vote on such a bill shall be taken in such manner as Parliament may prescribe.

(5) In so far as it alters any of the provisions of this Constitution other than those specified in subsections (2) and (3) of this section or, after five years from the appointed day, section 103 of this Constitution, a bill for an Act of Parliament under this section shall not be passed in the House of Representatives unless at the final voting thereon in that House it is supported by the votes of a majority of all the members of the House.

(6) An Act of Parliament altering the number of members of the House of Representatives shall not affect the membership of the House before the dissolution of Parliament next following its enactment.

(7) In this section—

- (a) references to any of the provisions of this Constitution or of the Malta Independence Act 1964 include references to any law that amends or replaces that provision ; and
- (b) references to the alteration of any of the provisions of this Constitution or of the Malta Independence Act 1964 include references to the amendment, modification or re-enactment, with or without amendment or modification, of that provision, the suspension or repeal of that provision and the making of a different provision in lieu of that provision.

#### *Regulation of procedure in House of Representatives*

68.—(1) Subject to the provisions of this Constitution, the House of Representatives may regulate its own procedure.

(2) The House of Representatives may act notwithstanding any vacancy in its membership (including any vacancy not filled when the House first meets on or after the appointed day or after any dissolution of Parliament) and the presence or participation of any person not entitled to be present at or to participate in the proceedings of the House shall not invalidate those proceedings.

(3) Any provision made in pursuance of subsection (1) of this section for setting up Committees of the House to enquire into matters of general public importance shall be designed to secure that, so far as appears practicable to the House, any such Committee is so composed as fairly to represent the House.

*Oath to be taken by members of House of Representatives*

69. No member of the House of Representatives shall be permitted to take part in the proceedings of the House (other than proceedings necessary for the purposes of this section) until he has taken and subscribed before the House the oath of allegiance:

Provided that the election of the Speaker and Deputy Speaker may take place before the members of the House have taken and subscribed such oath.

*Presiding in House of Representatives*

70.—(1) There shall preside at any sitting of the House of Representatives—

- (a) the Speaker ; or
- (b) in the absence of the Speaker, the Deputy Speaker ; or
- (c) in the absence of the Speaker and the Deputy Speaker, such member of the House (not being a Minister or a Parliamentary Secretary) as the House may elect for that purpose.

(2) References in this section to circumstances in which the Speaker or the Deputy Speaker is absent include references to circumstances in which the office of Speaker or Deputy Speaker is vacant.

*Quorum in House of Representatives*

71.—(1) If at any sitting of the House of Representatives any member who is present draws the attention of the person presiding at the sitting to the absence of a quorum and, after such interval as may be prescribed in the Standing Orders of the House, the person presiding at the sitting ascertains that a quorum of the House is still not present, the House shall be adjourned.

(2) For the purposes of this section—

- (a) a quorum of the House of Representatives shall consist of fifteen members ; and
- (b) the person presiding at the sitting of the House shall not be included in reckoning whether there is a quorum present.

*Voting*

72.—(1) Save as otherwise provided in this Constitution, all questions proposed for decision in the House of Representatives shall be determined by a majority of the votes of the members thereof present and voting.

(2) The Speaker shall not vote unless on any question the votes are equally divided, in which case he shall have and exercise a casting vote.

(3) Any other person shall, when presiding in the House of Representatives, retain his original vote as a member and, if upon any question, the votes are equally divided, shall also have and exercise a casting vote.

*Mode of exercising legislative powers*

73.—(1) The power of Parliament to make laws shall be exercised by bills passed by the House of Representatives and assented to by the Governor-General.

(2) When a bill is presented to the Governor-General for assent, he shall without delay signify that he assents.

(3) A bill shall not become law unless it has been duly passed and assented to in accordance with this Constitution.

(4) When a law has been assented to by the Governor-General it shall without delay be published in the Gazette and shall not come into operation until it has been so published, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

*Restriction with regard to certain financial measures*

74. Except upon the recommendation of the Governor-General signified by a Minister, the House of Representatives shall not—

- (a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes, that is to say, for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of Malta or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to Malta ;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid ; or
- (c) receive any petition which, in the opinion of the person presiding, requests that provision be made for any of the purposes aforesaid.

*Language of Laws*

75. Save as otherwise provided by Parliament, every law shall be enacted in both the Maltese and English languages and, if there is any conflict between the Maltese and the English texts of any law, the Maltese text shall prevail.

**PART 3**

*Summoning, prorogation and dissolution*

*Sessions of Parliament*

76.—(1) Each session of Parliament shall be held at such place within Malta and shall commence at such time as the Governor-General may by proclamation appoint.

(2) There shall be a session of Parliament once at least in every year, so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and the first sitting thereof in the next session.

(3) The House of Representatives shall meet not later than two months after the publication of the official result of any general election by the Electoral Commission on a day appointed by the Governor-General.

*Prorogation and dissolution of Parliament*

77.—(1) The Governor-General may at any time by proclamation prorogue or dissolve Parliament.

(2) Subject to the provisions of subsection (3) of this section, Parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(3) At any time when Malta is at war, Parliament may from time to time extend the period of five years specified in subsection (2) of this section for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(4) If between a dissolution of Parliament and the next ensuing general election of members of the House of Representatives an emergency arises of such a nature that, in the opinion of the Prime Minister it is necessary to recall Parliament, the Governor-General may by proclamation summon the Parliament that has been dissolved to meet, and that Parliament shall thereupon be deemed (except for the purpose of section 78 and, in relation to the next ensuing general election, sections 62(3) and 67(6) of this Constitution) not to have been dissolved but shall be deemed (except as aforesaid) to be dissolved on the date on which the polls are concluded in the next ensuing general election.

(5) In the exercise of his powers under this section the Governor-General shall act in accordance with the advice of the Prime Minister:

Provided that—

- (a) if the House of Representatives passes a resolution, supported by the votes of a majority of all the members thereof, that it has no confidence in the Government, and the Prime Minister does not within three days either resign from his office or advise a dissolution, the Governor-General may dissolve Parliament;
- (b) if the office of Prime Minister is vacant and the Governor-General considers that there is no prospect of his being able within a reasonable time to appoint to that office a person who can command the support of a majority of the members of the House of Representatives the Governor-General may dissolve Parliament; and
- (c) if the Prime Minister recommends a dissolution and the Governor-General considers that the Government of Malta can be carried on without a dissolution and that a dissolution would not be in the interests of Malta, the Governor-General may refuse to dissolve Parliament.

*General elections*

78. A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of Parliament as the Governor-General, acting in accordance with the advice of the Prime Minister, shall by proclamation appoint.

## CHAPTER VII THE EXECUTIVE

### *Executive authority of Malta*

79.—(1) The executive authority of Malta is vested in Her Majesty.

(2) Subject to the provisions of this Constitution, the executive authority of Malta may be exercised on behalf of Her Majesty by the Governor-General either directly or through officers subordinate to him.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the Governor-General.

### *The Cabinet*

80.—(1) There shall be a Cabinet for Malta which shall consist of the Prime Minister and such number of other Ministers as may be appointed in accordance with section 81 of this Constitution.

(2) The Cabinet shall have the general direction and control of the Government of Malta and shall be collectively responsible therefor to Parliament.

### *Appointment of Ministers*

81. Wherever there shall be occasion for the appointment of a Prime Minister, the Governor-General shall appoint as Prime Minister the member of the House of Representatives who, in his judgment, is best able to command the support of a majority of the members of that House and shall, acting in accordance with the advice of the Prime Minister, appoint the other Ministers from among the members of the House of Representatives:

Provided that if occasion arises for making an appointment to the office of Prime Minister or any other Minister while Parliament is dissolved, a person who was a member of the House of Representatives immediately before the dissolution may be appointed as Prime Minister or any other Minister as if, in each case, such person were still a member of the House of Representatives, but any person so appointed shall vacate office at the beginning of the next session of Parliament if he is not then a member thereof.

### *Tenure of office of Ministers*

82.—(1) If the House of Representatives passes a resolution, supported by the votes of a majority of all the members thereof, that it has no confidence in the Government, the Governor-General may remove the Prime Minister from office:

Provided that the Governor-General shall not do so unless three days have elapsed and he has decided not to dissolve Parliament under section 77 of this Constitution.

(2) The office of Prime Minister shall also become vacant—

(a) when, after any dissolution of Parliament, the Prime Minister is informed by the Governor-General that the Governor-General is about to re-appoint him as Prime Minister or to appoint another person as Prime Minister;

(b) if he ceases to be a member of the House of Representatives otherwise than by a dissolution of Parliament; or

(c) if, under the provisions of subsection (2) of section 56 of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives.

(3) The office of a Minister, other than the office of Prime Minister, shall become vacant—

(a) upon the appointment or re-appointment of any person to the office of Prime Minister ;

(b) if his appointment to his office is revoked by the Governor-General, acting in accordance with the advice of the Prime Minister ;

(c) if he ceases to be a member of the House of Representatives otherwise than by a dissolution of Parliament ; or

(d) if, under the provisions of subsection (2) of section 56 of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives.

#### *Allocation of portfolios to Ministers*

83.—(1) Subject to the provisions of this Constitution, the Governor-General, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for any business of the Government of Malta including the administration of any department of government.

(2) Nothing in this section shall empower the Governor-General to confer on any Minister authority to exercise any power or to discharge any duty that is conferred or imposed by this Constitution or any other law on any person or authority other than that Minister.

#### *Acting Prime Minister*

84.—(1) Whenever the Prime Minister is unable, by reason of his illness or absence from Malta, to perform the functions of his office, the Governor-General may authorise any other member of the Cabinet to perform those functions (other than the functions conferred by this section) and that member may perform those functions until his authority is revoked by the Governor-General.

(2) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister :

Provided that if the Governor-General considers that it is impracticable to obtain the advice of the Prime Minister owing to his absence or illness he may exercise those powers without that advice.

#### *Temporary Ministers*

85.—(1) Whenever a Minister other than the Prime Minister is unable, by reason of his illness or absence from Malta, to perform the functions of his office, the Governor-General may appoint another member of the House of Representatives to be a temporary Minister :

Provided that if occasion arises for making an appointment while Parliament is dissolved, a person who, immediately before the dissolution, was a member of the House of Representatives may be appointed as a temporary Minister as if he were still a member of that House, but any person so appointed shall vacate office at the beginning of the next session of Parliament if he is not then a member thereof.

(2) Subject to the provisions of section 82 of this Constitution, a temporary Minister shall hold office until he is notified by the Governor-General that the Minister on account of whose inability to perform the functions of his office he was appointed is again able to perform those functions or until that Minister vacates his office.

(3) The powers of the Governor-General under this section shall be exercised by him in accordance with the advice of the Prime Minister.

*Exercise of functions of Governor-General*

86.—(1) In the exercise of his functions the Governor-General shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution or any other law to act in accordance with the advice of any person or authority other than the Cabinet :

Provided that the Governor-General shall act in accordance with his own deliberate judgment in the performance of the following functions—

- (a) in the exercise of the powers relating to the dissolution of Parliament conferred upon him by the proviso to subsection (5) of section 77 of this Constitution ;
- (b) in the exercise of the power to appoint the Prime Minister or remove the Prime Minister from office conferred upon him by section 81 and subsection (1) of section 82 of this Constitution ;
- (c) in the exercise of the powers conferred upon him by section 84 of this Constitution (which relates to the performance of the functions of the Prime Minister during absence or illness) in the circumstances described in the proviso to subsection (2) of that section ;
- (d) in the exercise of the power to appoint the Leader of the Opposition and to revoke any such appointment conferred upon him by section 91 of this Constitution ; and
- (e) in signifying his approval for the purposes of subsection (4) of section 113 of this Constitution of an appointment to an office on his personal staff.

(2) Where by this Constitution the Governor-General is required to act in accordance with the advice of any person or authority, the question whether he has in any case received, or acted in accordance with, such advice shall not be enquired into in any court.

(3) The reference in subsection (1) of this section to the functions of the Governor-General shall be construed as a reference to his powers and duties in the exercise of the executive authority of Malta and to any other powers and duties conferred or imposed on him as Governor-General by or under this Constitution or any other law.

*Exercise of Prime Minister's functions*

87.—(1) Where by this Constitution the Prime Minister is required to exercise any function on the recommendation of any person or authority he shall exercise that function in accordance with such recommendation :

Provided that—

- (a) before he acts in accordance therewith he may once refer that recommendation back for reconsideration by the person or authority concerned ; and

(b) if that person or authority, having reconsidered the original recommendation under the preceding paragraph, substitutes therefor a different recommendation, the provisions of this subsection shall apply to that different recommendation as they apply to the original recommendation.

(2) Where by this Constitution the Prime Minister is required to perform any function after consultation with any person or authority, he shall not be obliged to perform that function in accordance with the advice of that person or authority.

(3) Where by this Constitution the Prime Minister is required to perform any function in accordance with the recommendation of, or after consultation with, any person or authority, the question whether he has in any case received, or acted in accordance with such recommendation or whether he has consulted with such person or authority shall not be enquired into in any court.

*Governor-General to be informed concerning matters of government*

88. The Prime Minister shall keep the Governor-General fully informed concerning the general conduct of the government of Malta and shall furnish the Governor-General with such information as he may request with respect to any particular matter relating to the government of Malta

*Parliamentary Secretaries*

89.—(1) The Governor-General, acting in accordance with the advice of the Prime Minister, may appoint Parliamentary Secretaries from among the members of the House of Representatives to assist Ministers in the performance of their duties:

Provided that if occasion arises for making an appointment while Parliament is dissolved, a person who immediately before the dissolution was a member of the House of Representatives may be appointed as a Parliamentary Secretary as if he were still a member of that House, but any person so appointed shall vacate office at the beginning of the next session of Parliament if he is not then a member thereof.

(2) The provisions of subsection (3) of section 82 of this Constitution shall apply to Parliamentary Secretaries as they apply to Ministers.

*Oaths to be taken by Ministers*

90. A Minister or a Parliamentary Secretary shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law for the time being in force in Malta.

*Leader of the Opposition*

91.—(1) There shall be a Leader of the Opposition who shall be appointed by the Governor-General.

(2) Whenever there shall be occasion for the appointment of a Leader of the Opposition, the Governor-General shall appoint—

(a) if there is one opposition party whose numerical strength in the House of Representatives is greater than the strength of any other opposition party, the member of the House of Representatives who is the Leader of that party; or



(b) if, by reason of an equality in the numerical strength of the opposition parties in the House or by reason that there is no opposition party, no person is qualified for appointment under paragraph (a) of this subsection, the member of the House who, in the judgment of the Governor-General, commands the support of the largest single group of members of the House in opposition to the Government who are prepared to support one leader.

(3) The office of Leader of the Opposition shall become vacant—

(a) if after any dissolution of Parliament, he is informed by the Governor-General that the Governor-General is about to appoint another person as Leader of the Opposition ;

(b) if he ceases to be a member of the House of Representatives otherwise than by a dissolution of Parliament ;

(c) if, under the provisions of subsection (2) of section 56 of this Constitution, he is required to cease to perform his functions as a member of the House of Representatives ; or

(d) if his appointment is revoked under the provisions of subsection (4) of this section.

(4) If, in the judgment of the Governor-General, a member of the House of Representatives other than the Leader of the Opposition, has become the Leader in the House of the opposition party having the greatest numerical strength in the House or, as the case may be, the Leader of the Opposition has ceased to command the support of the largest single group of members in opposition to the Government, the Governor-General shall revoke the appointment of the Leader of the Opposition.

(5) Subsection (4) of this section shall not have effect while Parliament is dissolved.

#### *Crown Advocate-General*

92.—(1) There shall be a Crown Advocate-General whose office shall be a public office and who shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified to hold office as Crown Advocate-General unless he is qualified for appointment as a judge of the Superior Courts.

(3) In the exercise of his powers to institute, undertake and discontinue criminal proceedings and of any other powers conferred on him by any law in terms which authorise him to exercise that power in his individual judgment the Crown Advocate-General shall not be subject to the direction or control of any other person or authority.

(4) Subject to the provisions of subsection (5) of this section, the Crown Advocate-General shall vacate his office when he attains the age of sixty years.

(5) Subsections (2) and (3) of section 98 of this Constitution shall apply to the Crown Advocate-General.

#### *Permanent Secretaries and heads of government departments*

93.—(1) Where any Minister has been charged with responsibility for any department of government, he shall exercise general direction and control over that department ; and, subject to such direction and control, the department may be under the supervision of a Permanent Secretary :

Provided that two or more departments of government may be placed under the supervision of one Permanent Secretary.

(2) The Prime Minister shall be responsible for assigning departments of government to Permanent Secretaries.

(3) Power to appoint public officers to hold or act in the office of Permanent Secretary and to remove from office persons holding or acting in such office shall vest in the Governor-General acting in accordance with the advice of the Prime Minister given after the Prime Minister has consulted with the Public Service Commission.

(4) Heads of departments of government other than those whose manner of appointment is specifically provided for in this Constitution shall be appointed from amongst senior public officers by the Prime Minister acting after consultation with the Public Service Commission.

#### *Prerogative of mercy*

94.—(1) The Governor-General may, in Her Majesty's name and on Her Majesty's behalf—

- (a) grant to any person concerned in or convicted of any offence a pardon, either free or subject to lawful conditions ;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person for any offence ;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence ; or
- (d) remit the whole or part of any sentence passed on any person for an offence or for any penalty or forfeiture otherwise due to the State on account of any offence.

(2) (a) Where any person has been sentenced to death by any court in Malta, the Governor-General shall cause a written report of the case from the trial judge, or, in the case of a court-martial the person presiding, and such other information derived from the record of the case or elsewhere as the Governor-General may require, to be sent to the Minister responsible for justice.

(b) The said Minister shall send such written report and information (if any) to the Cabinet, and the Cabinet shall advise the Governor-General whether he should grant the offender a pardon or respite in the exercise of the powers conferred on him by this section.

#### *Secretary to the Cabinet*

95.—(1) There shall be a Secretary to the Cabinet who shall be a public officer designated in that behalf by the Prime Minister.

(2) The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may from time to time direct.

CHAPTER VIII  
THE JUDICIARY

PART 1

*Courts*

*Superior Courts*

96.—(1) There shall be in and for Malta such Superior Courts having such powers and jurisdiction as may be provided by any law for the time being in force in Malta.

(2) One of the Superior Courts, composed of the Chief Justice and four other judges of the Superior Courts, shall be known as the Constitutional Court and shall have jurisdiction to hear and determine—

- (a) such questions as are referred to in section 64 of this Constitution ;
- (b) appeals from decisions of the Civil Court, First Hall, under section 47 of this Constitution ;
- (c) appeals from decisions of any court of original jurisdiction in Malta on questions as to the interpretation of this Constitution other than those which may fall under section 47 of this Constitution ; and
- (d) appeals from decisions of any court of original jurisdiction in Malta on questions as to the validity of laws other than those which may fall under section 47 of this Constitution :

Provided that if any such question as is referred to in paragraph (c) or (d) of this subsection arises for the first time in proceedings in a court of appellate jurisdiction, that court shall refer the question to the court which gave the original decision, unless in its opinion the raising of the question is merely frivolous or vexatious, and that court shall give its decision on any such question and, subject to any appeal in accordance with the provisions of this subsection and of section 103(2) of this Constitution, the court in which the question arose shall dispose of the question in accordance with that decision.

(3) The provisions of subsections (6) and (7) of section 47 of this Constitution shall apply to the Constitutional Court and for that purpose references to that section in the said subsections shall be construed as references to this section.

(4) The judges of the Superior Courts shall be a Chief Justice and such number of other judges as may be prescribed by any law for the time being in force in Malta :

Provided that the office of a judge of the Superior Courts shall not, without his consent, be abolished during his continuance in office.

(5) The Chief Justice shall be the President of the Constitutional Court, and there shall be a Vice-President of the Court, who shall be appointed from among the other judges of the Superior Courts in such manner as may be provided by law ; and the Vice-President shall among those judges take precedence next to the Chief Justice.

(6) If the Chief Justice is precluded by law from performing the functions of President of the Constitutional Court or is otherwise unable to perform those functions, those functions shall be performed by the Vice-President.

(7) If the office of Vice-President is vacant or if the Vice-President is for any reason unable to perform the functions of his office, those functions shall be performed by such one of the other judges of the Superior Courts as may be designated in that behalf in such manner as may be provided by law.

*Appointment of judges*

97.—(1) The judges of the Superior Courts shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified to be appointed a judge of the Superior Courts unless for a period of, or periods amounting in the aggregate to, not less than twelve years he has either practised as an advocate in Malta or served as a magistrate in Malta, or has partly so practised and partly so served.

*Tenure of office of judges*

98.—(1) Subject to the provisions of this section, a judge of the Superior Courts shall vacate his office when he attains the age of sixty-five years.

(2) A judge of the Superior Courts shall not be removed from his office except by the Governor-General upon an address by the House of Representatives supported by the votes of not less than two-thirds of all the members thereof and praying for such removal on the ground of proved inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or proved misbehaviour.

(3) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the inability or misbehaviour of a judge of the Superior Courts under the provisions of the last preceding subsection.

*Acting Chief Justice and acting judges*

99.—(1) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the Chief Justice has resumed those functions, as the case may be, those functions shall (except to such extent, if any, as other provision is made by law) be performed by such one of the other judges of the Superior Courts as may be designated in that behalf by the Governor-General, acting in accordance with the advice of the Prime Minister.

(2) If the office of any judge of the Superior Courts (other than the Chief Justice) is vacant or if any such judge is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, may appoint a person qualified for appointment as a judge of the Superior Courts to act as a judge of those Courts:

Provided that a person may be so appointed notwithstanding that he has attained the age of sixty-five years.

(3) Any person appointed under subsection (2) of this section to act as a judge of the Superior Courts shall continue so to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the Governor-General acting in accordance with the advice of the Prime Minister.

*Inferior Courts*

100. There shall be in and for Malta such inferior courts having such powers and jurisdiction as may be provided by any law for the time being in force in Malta.

*Magistrates*

101.—(1) Magistrates of the inferior courts shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

(2) A person shall not be qualified to be appointed to or to act in the office of magistrate of the inferior courts unless he has practised as an advocate in Malta for a period of, or periods amounting in the aggregate to, not less than seven years.

(3) Subject to the provisions of subsection (4) of this section, a magistrate of the inferior courts shall vacate his office when he attains the age of sixty years.

(4) The provisions of subsections (2) and (3) of section 98 of this Constitution shall apply to magistrates of the inferior courts.

*Oaths to be taken by judges and magistrates*

102. A judge of the Superior Courts or a magistrate of the inferior courts shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by any law for the time being in force in Malta.

## PART 2

*Appeals**Appeals to Her Majesty in Council*

103.—(1) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council as of right in the following cases—

- (a) where the matter in dispute on the appeal to Her Majesty in Council is of the value of five hundred pounds or upwards or where the appeal involves directly or indirectly a claim to or question respecting property or a right of the value of five hundred pounds or upwards, final decisions in any civil proceedings ; and
- (b) such other cases as may be prescribed by Parliament.

(2) Subject to the provisions of section 64 of this Constitution, an appeal shall lie from decisions of the Constitutional Court to Her Majesty in Council as of right.

(3) An appeal shall lie from decisions of the Court of Appeal to Her Majesty in Council with the leave of the Court of Appeal in the following cases—

- (a) where in the opinion of the Court of Appeal the question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to Her Majesty in Council, decisions in any civil proceedings ; and
- (b) such other cases as may be prescribed by Parliament.

(4) Nothing in this section shall affect any right of Her Majesty to grant special leave to appeal from decisions of the Court of Appeal or the Criminal Court to Her Majesty in Council in any civil, criminal or other matter.

*Appeals from Superior Courts in criminal matters*

104.—(1) As from such date as may be prescribed by law, not being later than three years after the appointed day, there shall be a right of appeal to a Superior Court against any judgment, other than a judgment of acquittal, of any Superior Court given in its original jurisdiction in any criminal matter.

(2) Any such right of appeal shall be exercisable in accordance with such procedure as may be prescribed by law.

## CHAPTER IX

### FINANCE

*Consolidated Fund*

105.—(1) All revenues and other moneys raised or received by Malta (not being revenues or other moneys payable into some other fund, being a fund established by or under any law for the time being in force in Malta for a specific purpose) shall, unless Parliament otherwise provides, be paid into and form one Consolidated Fund.

(2) No moneys shall be withdrawn from the Consolidated Fund except to meet expenditure that is charged upon the Fund by this Constitution or any other law for the time being in force in Malta or where the issue of those moneys has been authorised by an Appropriation Act or under section 107 of this Constitution.

(3) No moneys shall be withdrawn from any public fund other than the Consolidated Fund unless the issue of those moneys has been authorised by or under any law for the time being in force in Malta.

(4) No moneys shall be withdrawn from the Consolidated Fund or any other public fund except in the manner prescribed by or under any law.

(5) The costs, charges and expenses incidental to the collection and management of the Consolidated Fund shall be a charge on the Fund.

*Authorisation of expenditure from Consolidated Fund*

106.—(1) The Minister responsible for finance shall cause to be prepared and laid before the House of Representatives before, or not later than thirty days after, the commencement of each financial year estimates of the revenues and expenditure of Malta for that year.

(2) The heads of expenditure contained in the estimates (other than expenditure charged upon the Consolidated Fund by this Constitution or any other law for the time being in force in Malta) shall be included in a bill, to be known as an appropriation bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(3) If in respect of any financial year it is found—

(a) that the amount appropriated by the Appropriation Act for any purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by that Act; or

(b) that any moneys have been expended for any purpose in excess of the amount (if any) appropriated for the purpose by that Act, a supplementary estimate showing the sums required or spent shall be laid before the House of Representatives and the heads of any such expenditure shall be included in a supplementary appropriation bill.

*Authorisation of expenditure before appropriation*

107. Parliament may make provision under which, if the Appropriation Act in respect of any financial year has not come into operation by the beginning of that financial year, the Minister responsible for finance may authorise the withdrawal of moneys from the Consolidated Fund for the purpose of meeting such expenditure as he may consider necessary to carry on the government of Malta until the expiration of four months from the beginning of that financial year or the coming into operation of the Act, whichever is the earlier.

*Contingencies Fund*

108.—(1) Parliament may provide for the establishment of a Contingencies Fund and for authorising the Minister responsible for finance, if he is satisfied that there has arisen an urgent and unforeseen need for expenditure for which no other provision exists, to make advances from that Fund to meet that need.

(2) Where any advance is made in accordance with subsection (1) of this section a supplementary estimate shall be presented and a supplementary appropriation bill shall be introduced as soon as practicable for the purpose of replacing the amount so advanced.

*Public debt*

109.—(1) The public debt of Malta shall be a charge upon the Consolidated Fund and other public funds of Malta.

(2) In this section references to the public debt of Malta include references to the interest on that debt, sinking fund payments and redemption moneys in respect of that debt and the costs, charges and expenses incidental to the management of that debt.

*Remuneration of Governor-General and certain other officers*

110.—(1) There shall be paid to the holders of the offices to which this section applies such salaries as may be prescribed by or under any law.

(2) The salaries and any allowances payable to the holders of the offices to which this section applies shall be a charge on the Consolidated Fund.

(3) The salary payable to the holder of any office to which this section applies and his terms of office, other than allowances, shall not be altered to his disadvantage after his appointment, and, for the purposes of this

subsection, in so far as the salary or the terms of service of any person depend upon the option of that person, the salary or terms for which he opts shall be deemed to be more advantageous to him than any others for which he might have opted.

(4) This section applies to the offices referred to in sections 49, 92, 96(4), 101, 111 and 112 of this Constitution.

#### *Director of Audit*

111.—(1) There shall be a Director of Audit for Malta, whose office shall be a public office and who shall be appointed by the Governor-General acting in accordance with the advice of the Prime Minister.

(2) Subject to the provisions of subsection (4) of this section, the Director of Audit shall vacate his office when he attains the age of sixty years.

(3) Subsections (2) and (3) of section 98 of this Constitution shall apply to the Director of Audit.

(4) The accounts of all departments and offices of the Government of Malta, including the office of the Public Service Commission, and the office of the Clerk to the House of Representatives, and of all Superior and Inferior Courts in Malta shall be audited and reported on annually by the Director of Audit and for that purpose the Director of Audit or any person authorised by him in that behalf shall have access to all books, records, returns and other documents relating to those accounts.

(5) The Director of Audit shall submit his reports made under subsection (4) of this section to the Minister responsible for finance, who shall cause them to be laid before the House of Representatives within thirty days of the receipt thereof by him, or, if the House of Representatives is not sitting, within thirty days of the commencement of the next sitting of the House of Representatives.

(6) If the Minister fails to lay any reports before the House of Representatives in accordance with subsection (5) of this section, the Director of Audit shall, forthwith on the expiration of the period mentioned in the said subsection, transmit copies of such reports to the Speaker of the House of Representatives (or, if the office of Speaker is vacant or the Speaker is for any reason unable to perform the functions of his office, to the Deputy Speaker) who shall, as soon as practicable, lay them before the House of Representatives.

(7) In the exercise of his functions under the provisions of subsections (4) and (5) of this section the Director of Audit shall not be subject to the direction or control of any other person or authority.

(8) Nothing in this section shall prevent the performance by the Director of Audit of—

- (a) such other functions in relation to the accounts of the Government of Malta and the accounts of other public authorities and other bodies administering public funds in Malta as may be prescribed by or under any law for the time being in force in Malta ; or
- (b) such other functions in relation to the supervision and control of expenditure from public funds in Malta as may be so prescribed.



## CHAPTER X

## THE PUBLIC SERVICE

*Public Service Commission*

112.—(1) There shall be a Public Service Commission for Malta which shall consist of a chairman, a deputy chairman and from one to three other members.

(2) The members of the Public Service Commission shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after he has consulted the Leader of the Opposition.

(3) A person shall not be qualified to hold office as a member of the Public Service Commission if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to, the House of Representatives, a member of a local government authority or if he is a public officer.

(4) A member of the Public Service Commission shall not, within a period of three years commencing with the day on which he last held office as a member, be eligible for appointment to or to act in any public office.

(5) Subject to the provisions of this section, the office of a member of the Public Service Commission shall become vacant—

- (a) at the expiration of five years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed ; or
- (b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(6) A member of the Public Service Commission may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) If the office of a member of the Public Service Commission is vacant or if a member is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition, may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Commission ; and any person so appointed shall, subject to the provisions of subsections (5) and (6) of this section, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

*Appointment, etc., of public officers*

113.—(1) Subject to the provisions of this Constitution, power to make appointments to public offices and to remove and to exercise disciplinary control over persons holding or acting in any such offices shall vest in the Prime Minister, acting on the recommendation of the Public Service Commission :

Provided that the Prime Minister may, acting on the recommendation of the Public Service Commission delegate in writing, subject to such conditions as may be specified in the instrument of delegation, any of the powers referred to in this subsection to such public officer or other authority as may be specified in that instrument.

(2) A delegation of a power under this section—

(a) shall be without prejudice to the exercise of that power by the Prime Minister acting on the recommendation of the Public Service Commission ; and

(b) may authorise the public officer or other authority concerned to exercise that power either with or without reference to the Public Service Commission.

(3) (a) An appeal shall lie to the Prime Minister, acting in accordance with the recommendation of the Public Service Commission, from any decision of a public officer or authority to remove any person from a public office in exercise of power delegated under subsection (1) of this section :

Provided that such right of appeal shall be without prejudice to any such other right of appeal as may be provided under section 123(1) of this Constitution in respect of the exercise of any other power delegated under subsection (1) of this section.

(b) A right of appeal under this section shall be exercised in accordance with such provision relating to procedure as may be prescribed by the Public Service Commission under section 123(1) of this Constitution :

Provided that any procedure so prescribed shall be the same for all classes of public officers.

(c) Where an appeal is brought under paragraph (b) of this subsection by any public officer he shall, upon the consideration of the appeal by the Public Service Commission, have the right to be heard by the Commission in person and to be assisted by a representative of any trade union to which he belongs.

(4) No person shall be appointed under this section to or to act in any office on the personal staff of the Governor-General except with the approval of the Governor-General.

(5) The provisions of this section shall not apply in relation to—

(a) the offices referred to in sections 92, 93 (other than subsection (4) thereof), 95, 96(4), 101, 111, 114 and 115 of this Constitution ; or

(b) appointments to act in any public office for two months or less in so far as the recommendation of the Public Service Commission is required for any such appointment ; or

(c) appointments to the offices referred to in section 93(4).

#### *Principal representatives of Malta abroad*

114.—(1) Power to appoint persons to hold or act in the offices to which this section applies and to remove persons so appointed from any such office shall vest in the Governor-General, acting in accordance with the advice of the Prime Minister :

Provided that in respect of any person selected for appointment from the public service the Prime Minister shall, before giving his advice under

the provisions of this section, consult with the Public Service Commission and, on being removed from the office to which he has been appointed under the provisions of this section, the person so appointed shall revert to the rank which he held in the public service immediately before such appointment.

(2) The offices to which this section applies are the offices of any Ambassador, High Commissioner or other principal representative of Malta in any other country.

*Appointment on transfer in respect of certain offices*

115.—(1) Power to make appointments on transfer to and from the offices to which this section applies shall vest in the Prime Minister acting after consultation with the Public Service Commission :

Provided that the person appointed to any such office under the provisions of this section shall, on being transferred from that office, revert to the rank which he held in the public service immediately before his appointment to that office.

(2) The offices to which this section applies are—

- (a) offices the holders of which are required to reside outside Malta for the proper discharge of their functions ; and
- (b) such offices in the Ministry responsible for the external affairs of Malta as may, from time to time, be designated by the Prime Minister.

*Protection of pension rights*

116.—(1) Subject to the provisions of section 117 of this Constitution, the law applicable to any benefits to which this section applies shall, in relation to any person who has been granted, or who is eligible for the grant of such benefits, be that in force on the relevant date or any later law that is not less favourable to that person.

(2) In this section “ the relevant date ” means—

- (a) in relation to any benefits granted before the appointed day, the date on which those benefits were granted ;
- (b) in relation to any benefits granted or to be granted on or after the appointed day to or in respect of any person who was a public officer before that date, the day before the appointed day ; and
- (c) in relation to any benefits granted or to be granted to or in respect of any person who becomes a public officer on or after the appointed day, the date on which he becomes a public officer.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) Any benefit to which this section applies (not being a benefit that is a charge upon some other public fund of Malta) shall be a charge upon the Consolidated Fund.

(5) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service

or to the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References to the law applicable to any benefits to which this section applies include (without prejudice to their generality) references to any law relating to the time at which and the manner in which any person may retire in order to become eligible for those benefits.

*Grant and withholding of pensions, etc.*

117.—(1) Where any benefits to which this section applies can be withheld, reduced in amount or suspended by any person or authority under any law those benefits shall not be so withheld, reduced in amount or suspended without the concurrence of the Public Service Commission.

(2) The Public Service Commission shall not concur under subsection (1) of this section in action taken on the ground that any person who holds or has held any of the offices referred to in sections 92, 96(4), 101 and 111 of this Constitution has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(3) This section applies to any benefits payable under any law providing for the grant of pensions, gratuities or compensation to persons who are or have been public officers in respect of their service in the public service or to the widows, children, dependants or personal representatives of such persons in respect of such service.

*Protection of Public Service Commission from legal proceedings*

118. The question whether—

- (a) the Public Service Commission has validly performed any function vested in it by or under this Constitution ;
- (b) any member of the Public Service Commission or any public officer or other authority has validly performed any function delegated to such member, public officer or authority in pursuance of the provisions of subsection (1) of section 113 of this Constitution ;
- or
- (c) any member of the Public Service Commission or any public officer or other authority has validly performed any other function in relation to the work of the Commission or in relation to any such function as is referred to in the preceding paragraph,

shall not be enquired into in any court.

## CHAPTER XI

### MISCELLANEOUS

*Actions on validity of laws*

119. A right of action for a declaration that any law is invalid on any grounds other than inconsistency with the provisions of sections 34 to 46 of this Constitution shall appertain to all persons without distinction and a person bringing such an action shall not be required to show any personal interest in support of his action.

***Prohibition of certain associations***

120.—(1) It shall be unlawful to establish, maintain or belong to any association of persons who are organised and trained or organised and equipped for the purpose of enabling them to be employed for the use or display of physical force in promoting any political object.

(2) The provisions of this section shall be enforced in such manner as may be provided by Parliament.

***Broadcasting Authority***

121.—(1) There shall be a Broadcasting Authority for Malta which shall consist of a chairman and such number of other members not being less than four as may be prescribed by any law for the time being in force in Malta.

(2) The members of the Broadcasting Authority shall be appointed by the Governor-General, acting in accordance with the advice of the Prime Minister given after he has consulted the Leader of the Opposition.

(3) A person shall not be qualified to hold office as a member of the Broadcasting Authority if he is a Minister, a Parliamentary Secretary, a member of, or candidate for election to, the House of Representatives, a member of a local government authority or if he is a public officer.

(4) A member of the Broadcasting Authority shall not, within a period of three years commencing with the day on which he last held office or acted as a member, be eligible for appointment to or to act in any public office.

(5) Subject to the provisions of this section, the office of a member of the Broadcasting Authority shall become vacant—

(a) at the expiration of five years from the date of his appointment or at such earlier time as may be specified in the instrument by which he was appointed ; or

(b) if any circumstances arise that, if he were not a member of the Authority, would cause him to be disqualified for appointment as such.

(6) A member of the Broadcasting Authority may be removed from office by the Governor-General, acting in accordance with the advice of the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) If the office of a member of the Broadcasting Authority is vacant or if a member is for any reason unable to perform the functions of his office, the Governor-General, acting in accordance with the advice of the Prime Minister, given after he has consulted the Leader of the Opposition, may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Authority ; and any person so appointed shall, subject to the provisions of subsections (5) and (6) of this section, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) In the exercise of its functions under section 122(1) of this Constitution the Broadcasting Authority shall not be subject to the direction or control of any other person or authority.

### *Function of the Broadcasting Authority*

122.—(1) It shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.

(2) The function of the Broadcasting Authority referred to in subsection (1) of this section shall be without prejudice to such other functions, and duties as may be conferred upon it by any law for the time being in force in Malta.

### *Powers and procedure of Commissions*

123.—(1) Any Commission established by this Constitution may, with the consent of the Prime Minister or such other Minister as may be authorised in that behalf by the Prime Minister by regulation or otherwise regulate its own procedure and confer powers and impose duties on any public officer or authority of the Government of Malta for the purpose of the discharge of its functions.

(2) Any Commission established by this Constitution may act notwithstanding any vacancy in its membership or the absence of any member and any proceedings thereof shall be valid notwithstanding that some person who was not entitled so to do took part therein.

(3) Any question proposed for decision at any meeting of any Commission established by this Constitution shall be determined by a majority of the votes of all the members thereof, and if on any such question the votes are equally divided the member presiding shall have and exercise a casting vote.

(4) For the purposes of subsection (3) of this section, the references to a member of the Electoral Commission shall be construed as including a reference to the Chairman of that Commission.

(5) The provisions of this section shall apply to the Broadcasting Authority established by this Constitution.

### *Resignations*

124.—(1) Any person who is appointed, elected or otherwise selected to any office established by this Constitution (including the office of Prime Minister or other Minister or Parliamentary Secretary) may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed, elected or selected.

(2) The resignation of any person from any such office as aforesaid shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

### *Reappointments, etc.*

125.—(1) Where any person has vacated any office established by this Constitution (including the office of Prime Minister or other Minister or Parliamentary Secretary), he may, if qualified, again be appointed, elected or otherwise selected to hold that office in accordance with the provisions of this Constitution.

(2) Where by this Constitution a power is conferred upon any person or authority to make any appointment to any public office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending relinquishment of the office ; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then for the purposes of any function conferred upon the holder of that office the person last appointed shall be deemed to be the sole holder of the office.

*Interpretation*

126.—(1) In this Constitution, unless the context otherwise requires—

“ Act of Parliament ” means any law made by Parliament ;

“ the appointed day ” means 21st September 1964 ;

“ the Cabinet ” means the Cabinet established by section 80 of this Constitution ;

“ the Commonwealth ” means Malta, any country to which section 29 of this Constitution applies and any dependency of any such country ;

“ the Consolidated Fund ” means the Consolidated Fund established by section 105 of this Constitution ;

“ Constitutional Court ” means the Constitutional Court established by section 96 of this Constitution ;

“ financial year ” means the period of twelve months ending on the thirty-first day of March in any year or on such other date as may be prescribed by Parliament ;

“ Gazette ” means the Malta Government Gazette or any other official journal substituted therefor published by order of the Government of Malta ;

“ House ” means the House of Representatives established by section 52 of this Constitution ;

“ law ” includes any instrument having the force of law and any unwritten rule of law and “ lawful ” and “ lawfully ” shall be construed accordingly ;

“ Malta ” means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago, including the territorial waters thereof ;

“ oath of allegiance ” means the oath of allegiance set out in the Second Schedule to this Constitution or such other oath as may be prescribed by Parliament ;

“ Parliament ” means the Parliament of Malta ;

“ public office ” means an office of emolument in the public service ;

“ public officer ” means the holder of any public office or a person appointed to act in any such office ;

“ the public service ” means, subject to the provisions of subsections (2) and (3) of this section, the service of the Crown in a civil capacity in respect of the Government of Malta ;

“session” means the sittings of the House of Representatives beginning when it first meets after the commencement of this Constitution or after the prorogation or dissolution of Parliament at any time and terminating when Parliament is prorogued or is dissolved without having been prorogued ;

“sitting” means a period during which the House of Representatives is sitting continuously without adjournment and includes any period during which the House is in committee ;

“the Speaker” and “the Deputy Speaker” mean respectively the Speaker and the Deputy Speaker elected under section 60 of this Constitution.

(2) In this Constitution, unless the context otherwise requires, “the public service” includes service in the office of judge of the Superior Courts, service in the office of magistrate of the inferior courts and service in the office of a member of the Malta Police Force.

(3) In this Constitution “the public service” does not include service in the office of—

(i) Prime Minister or other Minister, a Parliamentary Secretary, Speaker, Deputy Speaker, a member of the House of Representatives, a member of a Commission established by this Constitution ;

(ii) save where the holder of the office is selected from the public service, an Ambassador, High Commissioner or other principal representative of Malta in any other country ; or

(iii) save in so far as may be prescribed by Parliament, a member of any council, board, panel, committee or other similar body established by or under any law.

(4) For the purposes of this Constitution a person shall not be regarded as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of public service.

(5) In this Constitution, unless the context otherwise requires—

(a) a reference to an appointment to any office shall be construed as including a reference to an appointment on promotion or transfer to that office and to the appointment of a person to perform the functions of that office during any period during which it is vacant or during which the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions ; and

(b) a reference to the holder of an office by the term designating his office or by reference to the provision of this Constitution establishing that office shall be construed as including a reference to any person for the time being lawfully performing the functions of that office.

(6) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such



appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

(7) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that—

(a) nothing in this subsection shall be construed as conferring on any person or authority power to require any person holding any of the offices referred to in sections 92, 96(4), 101 or 111 of this Constitution to retire from the public service; and

(b) the provisions of this subsection shall not apply to any power conferred by any law to permit a person to retire from the public service where that person has requested permission to retire from the public service on proved medical grounds.

(8) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officers on attaining an age specified therein.

(9) Where any power is conferred by this Constitution to make any proclamation, order, rules or regulations or to give any directions or to make any designation, the power shall be construed as including a power, exercisable in like manner, to amend or revoke any such proclamation, order, rules, regulations, directions or designation.

(10) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in exercising any functions under this Constitution shall be construed as precluding a court from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.

(11) Where a person is required by this Constitution to make an oath he shall be permitted, if he so desires, to comply with that requirement by making an affirmation.

(12) Any reference in this Constitution to a law made before the commencement of this Constitution shall, unless the context otherwise requires, be construed as a reference to that law as in force immediately before the appointed day.

(13) Any reference in this Constitution to a law that amends or replaces any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, or makes different provisions in lieu of that other law.

(14) The Interpretation Act 1889 as in force on the appointed day shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

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**SCHEDULES TO THE CONSTITUTION**
**FIRST SCHEDULE**

Section 48 (7)

Criminal Code (Chapter 12)  
 Code of Police Laws (Chapter 13)  
 Code of Organization and Civil Procedure (Chapter 15)  
 Commercial Code (Chapter 17)  
 Civil Code (Chapter 23)

**SECOND SCHEDULE***Oath of Allegiance*

Section 126 (1)

**1. Oath of Allegiance**

I, ..... do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

**2. Affirmation of Allegiance**

I, ..... do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

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**EXPLANATORY NOTE**

*(This note is not part of this Order, but is intended to indicate its general purport.)*

This Order appoints 21st September 1964 as the appointed day for the purposes of section 1(1) of the Malta Independence Act 1964 and provides a new constitution for Malta coming into effect on that day.

1964 No. 1399

**CONSULAR RIGHTS AND PRIVILEGES****ADMINISTRATION OF ESTATES****POWERS OF ENTRY IN RELATION TO CONSULAR OFFICES****The Consular Conventions (Kingdom of Belgium) Order  
1964**

*Made* . . . . . 2nd September 1964

*Laid before Parliament* 8th September 1964

*Coming into Operation* 1st October 1964

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 6(1) of the Consular Conventions Act 1949(a) (hereinafter referred to as "the Act") it is enacted that Her Majesty may by Order in Council direct that sections 1 and 2 or section 4 of the Act (which provide for the exercise by consular officers of certain powers in relation to the property of deceased persons, and for the restriction of the powers of entry in relation to consular offices) shall apply to any foreign State specified in the Order, being a State with which a Consular Convention providing for matters for which provision is made by those sections has been concluded by Her Majesty :

And whereas a Consular Convention between Her Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and His Majesty the King of the Belgians was signed at Brussels on 8th March 1961(b) which provides for matters for which provision is made in the said sections 1 and 2 and section 4, and which enters into force on the thirtieth day after the date of exchange of instruments of ratification :

And whereas instruments of ratification were exchanged on 1st September 1964.

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Act or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :

1. Sections 1 and 2 and section 4 of the Act shall apply to the Kingdom of Belgium.

2. This Order may be cited as the Consular Conventions (Kingdom of Belgium) Order 1964. It shall come into operation on 1st October 1964.

*W. G. Agnew.*

(a) 12. 13 & 14 Geo. 6. c. 29.

(b) Cmnd. 1426.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to convey its general purport.)*

This Order provides for the application of sections 1, 2 and 4 of the Consular Conventions Act 1949 to the Kingdom of Belgium and thus enables Her Majesty to give effect to the Consular Convention between the United Kingdom and the Kingdom of Belgium which was signed at Brussels on 8th March 1961 (Cmnd. 1426).

The purport of sections 1, 2 and 4 of the Act is stated in the preamble to this Order. Sections 1 and 4 relate to England and, with the modifications contained in section 7 of the Act, to Northern Ireland ; sections 2 and 4 relate to Scotland.

1964 No. 1400 (C. 17)

**DIPLOMATIC AND INTERNATIONAL IMMUNITIES  
AND PRIVILEGES**

**The Diplomatic Privileges Act 1964 (Commencement)  
Order 1964**

*Made - - - - 2nd September 1964*

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 8(3) of the Diplomatic Privileges Act 1964<sup>(a)</sup> it is provided that the said Act shall come into force on such day as Her Majesty may by Order in Council appoint:

Now, therefore, Her Majesty in pursuance of the power vested in Her by the said section 8(3) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Diplomatic Privileges Act 1964 shall come into force on 1st October 1964.

2. This Order may be cited as the Diplomatic Privileges Act 1964 (Commencement) Order 1964.

*W. G. Agnew.*

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(a) 1964 c. 81.

**1964 No. 1401**

**INCOME TAX**

**The Double Taxation Relief (Taxes on Income)  
(Malawi) Order 1964**

*Laid before the House of Commons in draft*

*Made - - - - 2nd September 1964*

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas arrangements made with the Government of the Federation of Rhodesia and Nyasaland with a view to affording relief from double taxation in relation to income tax, profits tax or excess profits levy and taxes of a similar character imposed by the laws of the Federation of Rhodesia and Nyasaland were in effect by virtue of the Double Taxation Relief (Taxes on Income) (Federation of Rhodesia and Nyasaland) Order 1956(a) (hereinafter referred to as "the principal Order") immediately before the said Federation was dissolved in accordance with paragraph 1 of Part I of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963(b):

And whereas a draft of this Order was laid before the Commons House of Parliament in accordance with the provisions of subsection (6) of section 347 of the Income Tax Act 1952(c), and an Address has been presented to Her Majesty by that House praying that an Order may be made in the terms of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by subsection (1) of the said section 347 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Double Taxation Relief (Taxes on Income) (Malawi) Order 1964 and the principal Order and this Order may be cited together as the Double Taxation Relief (Taxes on Income) (Malawi) Orders 1956 and 1964.

2. It is hereby declared—

(a) that the arrangements specified in the Schedule to this Order, for the adaptation and continuance in force in relation to Malawi of the arrangements specified in the principal Order, have been made with the Government of Malawi with a view to affording relief from double taxation in relation to income tax or profits tax and taxes of a similar character imposed by the laws of Malawi; and

(b) that it is expedient that those arrangements should have effect.

*W. G. Agnew.*

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(a) S.I. 1956/619 (1956 I, p. 1072).

(b) S.I. 1963/2085 (1963 III, p. 4477).

(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.

## SCHEDULE

The Agreement between the Government of Great Britain and Northern Ireland and the Government of the former Federation of Rhodesia and Nyasaland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at London on the 25th November 1955, shall, with effect from the dissolution of the Federation of Rhodesia and Nyasaland, be regarded as continuing in force between the Government of the United Kingdom and the Government of Malawi but as though references to Malawi and the Government of Malawi were substituted for references to the Federation and the Government of the Federation, except that any reference, in connection with pensions paid to individuals, to services rendered to the Government of the Federation in the discharge of governmental functions shall continue to include services so rendered to the Government of the Federation, as well as services so rendered to the Government of Malawi.

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

Under the agreement with the Government of Malawi which is scheduled to this Order, the Agreement set out in the First Schedule to the Double Taxation Relief (Taxes on Income) (Federation of Rhodesia and Nyasaland) Order 1956, continues in force, with the necessary adaptations, in relation to Malawi.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1402

**INCOME TAX**

**The Double Taxation Relief (Taxes on Income)  
(Northern Rhodesia) Order 1964**

*Laid before the House of Commons in draft*

Made - - - - 2nd September 1964

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas arrangements made with the Government of the Federation of Rhodesia and Nyasaland with a view to affording relief from double taxation in relation to income tax, profits tax or excess profits levy and taxes of a similar character imposed by the laws of the Federation of Rhodesia and Nyasaland were in effect by virtue of the Double Taxation Relief (Taxes on Income) (Federation of Rhodesia and Nyasaland) Order 1956(a) (hereinafter referred to as "the principal Order") immediately before the said Federation was dissolved in accordance with paragraph 1 of Part I of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963(b):

And whereas a draft of this Order was laid before the Commons House of Parliament in accordance with the provisions of subsection (6) of section 347 of the Income Tax Act 1952(c), and an Address has been presented to Her Majesty by that House praying that an Order may be made in the terms of this Order:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by subsection (1) of the said section 347 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Double Taxation Relief (Taxes on Income) (Northern Rhodesia) Order 1964 and the principal Order and this Order may be cited together as the Double Taxation Relief (Taxes on Income) (Northern Rhodesia) Orders 1956 and 1964.

2. It is hereby declared—

(a) that the arrangements specified in the Schedule to this Order, for the adaptation and continuance in force in relation to Northern Rhodesia of the arrangements specified in the principal Order, have been made with the Government of Northern Rhodesia with a view to affording relief from double taxation in relation to income tax or profits tax and taxes of a similar character imposed by the laws of Northern Rhodesia; and

(b) that it is expedient that those arrangements should have effect.

*W. G. Agnew.*

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(a) S.I. 1956/619 (1956 I, p. 1072).

(b) S.I. 1963/2085 (1963 III, p. 4477).

(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.



**SCHEDULE**

The Agreement between the Government of Great Britain and Northern Ireland and the Government of the former Federation of Rhodesia and Nyasaland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at London on the 25th November 1955, shall, with effect from the dissolution of the Federation of Rhodesia and Nyasaland, be regarded as continuing in force between the Government of the United Kingdom and the Government of Northern Rhodesia but as though references to Northern Rhodesia and the Government of Northern Rhodesia were substituted for references to the Federation and the Government of the Federation, except that any reference, in connection with pensions paid to individuals, to services rendered to the Government of the Federation in the discharge of governmental functions shall continue to include services so rendered to the Government of the Federation, as well as services so rendered to the Government of Northern Rhodesia.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

Under the agreement with the Government of Northern Rhodesia which is scheduled to this Order, the Agreement set out in the First Schedule to the Double Taxation Relief (Taxes on Income) (Federation of Rhodesia and Nyasaland) Order 1956, continues in force, with the necessary adaptations, in relation to Northern Rhodesia.

1964 No. 1403

## MERCHANT SHIPPING

## MASTERS AND SEAMEN

**The Merchant Shipping (Foreign Deserters) (Kingdom of Belgium) Order 1964**

*Made* - - - - - 2nd September 1964  
*Laid before Parliament* 8th September 1964  
*Coming into Operation* 1st October 1964

At the Court at Buckingham Palace, the 2nd day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that due facilities will be given by the Government of the Kingdom of Belgium for recovering and apprehending seamen who desert from British merchant ships in that country;

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by Sections 238 and 738 of the Merchant Shipping Act 1894(a), and of all other powers Her enabling in that behalf, is pleased, by and with the advice of Her Privy Council, to order and declare, and it is hereby ordered and declared, as follows:—

1.—(1) This Order may be cited as the Merchant Shipping (Foreign Deserters) (Kingdom of Belgium) Order 1964 and shall come into operation on the 1st October 1964.

(2) In this Order:—

(a) the expressions “Colony” and “British protected person” have respectively the same meanings as they have in or for the purposes of the British Nationality Act 1948(b);

(b) the expression “a national” means:—

(i) a citizen of the United Kingdom and Colonies;

(ii) a citizen of Southern Rhodesia;

(iii) a citizen of the Irish Republic who has made a claim to retain the status of a British subject under section 2 of the British Nationality Act 1948;

(iv) a person who under section 13(1) of the British Nationality Act 1948 is a British subject without citizenship;

(v) a British protected person;

(c) the expression “the Kingdom of Belgium” means the national territory of Belgium.

(3) The Interpretation Act 1889<sup>(a)</sup> shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(4) Any reference in this Order to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by or under any subsequent enactment.

2. The provisions of the Order in Council relating to seamen who desert from merchant ships belonging to subjects of His late Majesty the King of Belgium, made on the 8th day of February 1855<sup>(b)</sup> by virtue of the powers vested in Her late Majesty Queen Victoria by the Foreign Deserters Act 1852<sup>(c)</sup> and published in the London Gazette on the 13th February 1855 to the extent to which those provisions relate to seamen who when within the United Kingdom, any of the Channel Islands, the Isle of Man, or any Colony desert from merchant ships belonging to subjects of the Kingdom of Belgium are hereby revoked.

3. Section 238 of the Merchant Shipping Act 1894 shall apply in the case of the Kingdom of Belgium subject to the following limitations, conditions and qualifications, namely :—

(a) the said section shall apply only as respects seamen and apprentices who desert from ships registered at any port in the Kingdom of Belgium and when those ships are within the United Kingdom, any of the Channel Islands, the Isle of Man or any Colony ; and

(b) nothing in the said section shall be taken to confer any power or impose any duty or obligation on any court, justice or officer in relation to the apprehension, or conveyance on board his ship, of any deserter who is :—

(i) a national within the meaning of Article 1(2) of this Order ; or

(ii) a person in respect of whom there is reasonable ground for believing that his life or liberty will be endangered, afloat or ashore, for reasons of race, nationality, political opinion or religion, in any country to which his ship is likely to go.

W. G. Agnew.

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides with certain exceptions for the apprehension and return to their ship of deserters from Belgian merchant ships at ports in the United Kingdom, the Channel Islands, the Isle of Man or any Colony, and gives effect to provisions contained in the Consular Convention between the United Kingdom and the Kingdom of Belgium signed at Brussels on the 8th March 1961.

(a) 52 & 53 Vict. c. 63.

(b) Rev. XIV, p. 142.

(c) 15 & 16 Vict. c. 26.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1404

## TRUSTEES

**The Trustee Investments (Additional Powers) (No. 2)  
Order 1964**

*Made - - - - 2nd September 1964*

*Laid before Parliament 8th September 1964*

*Coming into Operation 9th September 1964*

At the Court at Buckingham Palace, the 2nd day of September 1964

**Present,**

**The Queen's Most Excellent Majesty in Council**

Her Majesty, in exercise of the powers conferred upon Her by section 12 of the Trustee Investments Act 1961(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The powers of investment conferred by section 1 of the Trustee Investments Act 1961 shall be extended by adding to paragraph 5 of Part II of Schedule 1 thereto the following manner of investment:—

“ In fixed-interest securities issued in the United Kingdom by the Inter-American Development Bank.”

2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. This Order may be cited as the Trustee Investments (Additional Powers) (No. 2) Order 1964 and shall come into operation on 9th September 1964.

*W. G. Agnew.*

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 EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order adds fixed-interest securities of the Inter-American Development Bank to the list of “ Narrower-Range Investments Requiring Advice ” set out in Part II of Schedule 1 to the Trustee Investments Act 1961.

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(a) 9 & 10 Eliz. 2. c. 62.

(b) 52 & 53 Vict. c. 63.

1964 No. 1407

## CIVIL AVIATION

**The Air Navigation (General) (Third Amendment)  
Regulations 1964**

*Made* - - - - 1st September 1964

*Coming into Operation*

(a) *for the purposes of Regulation 3(2)* 1st January 1965

(b) *for all other purposes* - - 1st September 1964

The Minister of Aviation, in exercise of the powers conferred upon him by Article 6(3)(bb), 7(4)(bb) and 24(1) of the Air Navigation Order 1960(a), as amended(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Air Navigation (General) (Third Amendment) Regulations 1964 and shall come into operation on 1st January 1965 for the purposes of Regulation 3(2) and on 1st September 1964 for all other purposes.

2. The Interpretation Act 1889(c) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. The Air Navigation (General) Regulations 1960(d), as amended(e), shall be further amended as follows:—

(1) In the list of countries in Regulation 10A the following shall be omitted—

Nyasaland  
Tanganyika ;

and the following shall be inserted in the appropriate places according to alphabetical order—

Malawi  
United Republic of Tanganyika and Zanzibar.

(2) In the Schedule—

(a) In condition (5), for the word and figures “ 1 in 200 ” there shall be substituted the word “ zero ”.

(b) The following words shall be added at the end of condition (5)—

“ For the purposes of this condition the gradient of climb of the aeroplane shall be taken to be one per cent. less than that specified.”

(c) The following condition shall be substituted for condition (9)—

“ (9) The distance required by the aeroplane to land from a height of 50 feet does not, at the aerodrome at which it is

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(a) S.I. 1960/972 (1960 I, p. 599).

(b) The only relevant amendment is S.I. 1963/608 (1963 I, p. 724).

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1960/1069 (1960 I, p. 691).

(e) S.I. 1963/1388, 2085, 1964/330 (1963 II, p. 2393; III, p. 4477; 1964 I, p. 536).

intended to land, exceed 60 per cent. of the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions ; and
- (ii) the runway that may be required for landing because of the forecast wind conditions :

Provided that if an alternate aerodrome is designated in the flight plan the landing distance required at the aerodrome at which it is intended to land shall not exceed 70 per cent. of that available on the runway that may be required for landing because of the forecast wind conditions.

The distance required to land from a height of 50 feet shall be taken to be that appropriate to—

- (a) the landing weight ;
- (b) the altitude at the aerodrome ;
- (c) the temperature in the specified international standard atmosphere appropriate to the altitude at the aerodrome ;
- (d) (i) a level surface in the case of runways usable in both directions ;
  - (ii) the the average slope of the runway in the case of runways usable in only one direction ; and
- (e) (i) still air conditions in the case of the most suitable runway for a landing in still air conditions ; and
  - (ii) not more than 50 per cent. of the forecast wind component opposite to the direction of landing or not less than 150 per cent. of the forecast wind component in the direction of landing in the case of the runway that may be required for landing because of the forecast wind conditions.”
- (d) The following condition shall be inserted after condition (9)—

“ (9A) The distance required by the aeroplane to land from a height of 50 feet does not, at any alternate aerodrome, exceed 70 per cent. of the landing distance available on—

- (i) the most suitable runway for a landing in still air conditions ; and
- (ii) the runway that may be required for landing because of the forecast wind conditions.

For the purpose of this condition the distance required to land from a height of 50 feet shall be determined in the manner provided in condition (9).”

*R. R. Goodison,*  
An Under Secretary of  
the Ministry of Aviation.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend—

- (a) Regulation 10A of the Air Navigation (General) Regulations 1960 (which prescribes the countries whose licensed maintenance engineers may issue certificates of maintenance and compliance) in consequence of constitutional changes in Africa ; and
- (b) the Schedule to those Regulations (which governs the take-off weight of public transport aeroplanes having no performance group classification in their certificates of airworthiness).

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 STATUTORY INSTRUMENTS
 

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1964 No. 1409 (S. 91)

**LEGAL AID AND ADVICE, SCOTLAND**

**The Act of Adjournal (Rules for Legal Aid in Criminal Proceedings) 1964**

*Made* - - - - - 31st August 1964  
*Coming into Operation* 1st October 1964

**ACT OF ADJOURNAL  
 RELATIVE TO RULES FOR LEGAL AID IN CRIMINAL PROCEEDINGS**

*At Edinburgh, the 31st day of August 1964*

*Present—*

The Right Honourable  
 The LORD JUSTICE-GENERAL ;

The Honourable  
 LORD CARMONT ;

The Honourable  
 LORD CAMERON.

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred on them by section 13 of the Legal Aid (Scotland) Act 1949(a), as amended by the Legal Aid Act 1960(b) and the Criminal Justice (Scotland) Act 1963(c), and of all other powers competent to them in that behalf, do hereby enact as follows:—

*Title, commencement and interpretation*

1.—(1) This Act of Adjournal may be cited as the Act of Adjournal (Rules for Legal Aid in Criminal Proceedings) 1964, and shall come into operation on 1st October 1964.

(2) In this Act of Adjournal the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

“ the Act ” means the Legal Aid (Scotland) Act 1949(a) as amended by the Legal Aid Act 1960(b) and the Criminal Justice (Scotland) Act 1963(c) ;

“ assisted person ” means a person who is in receipt of legal aid ;

“ the High Court ” means the High Court of Justiciary ;

“ legal aid ” means legal aid under section 1 of the Act in connection with any criminal proceedings in the High Court or in a sheriff court or in a juvenile court constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937(d) ;

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(a) 12, 13 & 14 Geo. 6. c. 63.  
 (c) 1963 c. 39.

(b) 8 & 9 Eliz. 2. c. 28.  
 (d) 1 Edw. 8 & 1 Geo. 6. c. 37.



“committee” means the Supreme Court Committee or the local committee established by the Law Society of Scotland under the Legal Aid (Scotland) Scheme 1958 as amended, or any scheme made in place of that Scheme, as the context may require ;

“the Regulations” means the Legal Aid (Scotland) (Criminal Proceedings) Regulations 1964 and any regulations amending those regulations ;

“the Scheme” means the Legal Aid (Scotland) (Criminal Proceedings) Scheme 1964 made by the Law Society of Scotland under section 8 of the Act and any scheme amending that Scheme.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of this Act of Adjournal as it applies for the interpretation of an Act of Parliament.

*Criminal proceedings for purposes of legal aid*

2. For the purposes of legal aid the following criminal proceedings shall be treated as distinct proceedings:—

- (a) proceedings to which the provisions either of section 2(2)(a) or of section 2(2)(b) of the Act apply ;
- (b) (i) proceedings on indictment in respect of which legal aid is made available after inquiry into the resources of an accused person and after consideration as to whether the accused person has available to him any of the rights or facilities to which regulation 6 of the Regulations applies ;
- (ii) summary proceedings in respect of which legal aid is made available, having regard to section 1(6A)(i)(b) of the Act, after inquiry into the resources of an accused person and after consideration as to whether the accused person has available to him any of the rights or facilities to which regulation 6 of the Regulations applies ;
- (c) proceedings of any kind by way of appeal to the High Court :

Provided that, as appropriate, any such proceedings shall be deemed to include—

- (i) proceedings in connection with a bail appeal, or petitions for bail under the Criminal Appeal (Scotland) Act 1926(b) ;
- (ii) proceedings in the High Court following a remit for sentence ;
- (iii) proceedings in the High Court under section 16 of the Criminal Appeal (Scotland) Act 1926 ;
- (iv) proceedings following a remit from the High Court to the inferior court under section 71(2) of the Summary Jurisdiction (Scotland) Act 1954(c).

*Applications for further legal aid by persons entitled under section 2(2)*

3.—(1) Where at any stage of criminal proceedings referred to in section 2(2)(a) or section 2(2)(b) of the Act, an accused person to whom the said subsection relates has applied for legal aid otherwise than under the said section 2(2) of the Act, the court shall determine at the conclusion of any diet to which the provisions of section 2(2) of the Act relate or at such other time as the court may think fit—

- (a) whether the applicant has available to him any of the rights or facilities to which regulation 6 of the Regulations applies ;

(a) 52 & 53 Vict. c. 63. (b) 16 & 17 Geo. 5. c. 15. (c) 2 & 3 Eliz. 2. c. 48.

- (b) whether the financial circumstances of the applicant are such as to satisfy the court that he is unable without undue hardship to himself or his dependants to meet the expenses of the case ; and
- (c) in summary proceedings, whether in all the circumstances of the case it is in the interests of justice that legal aid should be available to the applicant ;

and shall thereafter grant or refuse the application in terms of section 5 hereof.

(2) Where, at any stage of criminal proceedings in the sheriff court or in a specially constituted juvenile court to which proceedings the provisions of neither section 2(2)(a) nor section 2(2)(b) apply, an accused person who is in custody applies for legal aid the court shall, as soon as may be, determine the matters referred to in the last foregoing subsection and shall thereafter grant or refuse the application in terms of section 5 hereof.

#### *Other applications in summary proceedings*

4.—(1) Where an application for legal aid is made in connection with summary proceedings by an accused person who is not entitled to receive legal aid by virtue of section 2(2)(b) the court shall appoint and have intimated to the applicant a special diet at which it shall determine the matters referred to in section 3(1) hereof and shall thereafter grant or refuse the application in terms of section 5 hereof ; and where it is not practicable in the opinion of the court to have those matters determined at a special diet the court shall determine them at the first diet at which the applicant is called upon to plead, and shall thereafter grant or refuse the application in terms of section 5 hereof :

Provided that where an applicant does not appear at a special diet of which he has received intimation the application shall be refused.

(2) Where at a stage subsequent to the pleading diet in summary proceedings an accused person who is not in custody applies for legal aid the court shall, as soon as may be, consider the matters referred to in section 3(1) hereof and shall thereafter grant or refuse the application in terms of section 5 hereof.

#### *Decisions by courts on applications for legal aid otherwise than under section 2(2)*

5.—(1) Where in any case the court is satisfied that an applicant for legal aid has available to him any other rights or facilities to which regulation 6 of the Regulations applies, the court shall, except on special cause shown, refuse the application for legal aid.

(2) Where in any case the court is not satisfied, after consideration of the financial circumstances of an applicant for legal aid, that he is unable without undue hardship to himself or his dependants to meet the expenses of the case the court shall refuse the application.

(3) Where in relation to proceedings on indictment the court is satisfied, after consideration of the financial circumstances of an applicant for legal aid, that he is unable without undue hardship to himself or his dependants to meet the expenses of the case, the court shall grant the application for legal aid.

(4) Where an accused person has applied for legal aid in connection with summary proceedings and the court does not consider that in all the circum-

stances of the case it is in the interests of justice that legal aid should be made available to him, the court shall refuse the application for legal aid.

(5) Where an accused person has applied for legal aid in summary proceedings and the court is satisfied that the accused person is unable without undue hardship to himself or his dependants to meet the expenses of the case and that it is in the interests of justice that legal aid should be made available to him, the court shall grant the application for legal aid.

(6) Where a court grants an application for legal aid the clerk of court shall send to the committee a legal aid certificate detailing the entitlement to legal aid of the accused person, and shall send a copy of this certificate to the accused person.

#### *Legal Aid in the High Court*

6.—(1) Where a case is being prosecuted before the High Court and the accused person applies for legal aid, the High Court may remit the application to the sheriff court for determination as though it were such an application as is referred to in section 3(2) above or if satisfied as to the merits of the application, may grant or refuse the same.

(2) Where an application for legal aid is made by a person in connection with an appeal to the High Court and legal aid was not given in relation to the relative proceedings in the court of first instance otherwise than under section 2(2) of the Act, the High Court may remit the application to the sheriff court for the district in which the proceedings at first instance were taken or initiated to determine whether that court, after consideration of the financial and other relevant circumstances of the applicant, is satisfied that he is unable without undue hardship to himself or his dependants to meet the expenses of the appeal and also that he has not available to him any other rights or facilities to which regulation 6 of the Regulations applies; and that sheriff court shall report its determination as soon as may be to the High Court and to the committee.

#### *Application for legal aid made by persons in custody and not before the court*

7. Where the court receives an application for legal aid by a person who is in custody and not before the court for any purpose, the court may, if satisfied that it has sufficient information before it regarding the financial circumstances of the applicant and all circumstances relevant to the application, proceed in his absence to decide whether to grant legal aid:

Provided that the court shall first be satisfied that exceptional circumstances warrant the adoption of such procedure.

#### *Provisional financial certificates*

8.—(1) Where a person desires to obtain legal aid in connection with an appeal and legal aid was not available or was not sought or was not made available to him otherwise than under section 2(2) of the Act in the proceedings in the court of first instance, and he applies to the clerk of the sheriff court for the district in which those proceedings took place for a provisional financial certificate in accordance with regulation 7 of the Regulations, that sheriff clerk may question him and may make such other inquiry as he thinks fit before deciding whether to grant a provisional financial certificate.

(2) As soon as may be after the grant or the refusal of a provisional financial certificate the clerk of the sheriff court concerned shall report the

financial and other relevant circumstances of the applicant to the court in order that the court may determine whether he is unable without undue hardship to himself or his dependants to meet the expenses of the proposed appeal and whether he has available to him other rights or facilities to which regulation 6 of the Regulations applies; and the court shall report its determination to the committee and, where relevant, to the High Court; and where the determination is such that legal aid cannot be made available to the applicant the court shall discharge the provisional financial certificate.

*Decisions on applications for legal aid to be final*

9. The decision of a court on an application for legal aid or under section 8(2) hereof shall be final:

Provided that it shall be open to a person at any time to make a further application for the consideration of the court on the ground that there has been a material change in his financial circumstances or that he has additional facts affecting his eligibility for legal aid to bring to the notice of the court.

*Disqualification for continuance of legal aid*

10.—(1) If the court, before which there are proceedings in which an assisted person is an accused person or appellant, is satisfied, after hearing the assisted person where appropriate, that the assisted person—

- (a) has without reasonable cause failed to comply with any proper request made to him by the solicitor acting for him to supply any information relevant to the proceedings; or
- (b) has delayed unreasonably in complying with any such request as aforesaid; or
- (c) has without reasonable cause failed to attend at any diet of the court at which he has been required to attend or at any meeting with the solicitor or counsel acting for him under the Scheme at which he has reasonably and properly been required to attend; or
- (d) has conducted himself in connection with the proceedings in such a way as to make it appear to the court unreasonable that he should continue to receive legal aid; or
- (e) has wilfully or deliberately given false information for the purpose of misleading the court in considering his financial circumstances under section 2(1A) of the Act or has wilfully or deliberately furnished false particulars under regulation 4 of the Regulations;

the court may direct that he shall cease to be entitled to legal aid in connection with those proceedings; and where such a direction is made in the course of proceedings to which the provisions of section 2(2)(a) or section 2(2)(b) of the Act apply, the accused person shall not be entitled to legal aid in relation to any later stages of the same proceedings before the court of first instance.

(2) Where a court issues a direction under the foregoing paragraph, the clerk of court shall send notice of it to the committee.

(3) (a) Where a court of first instance, which has made a direction under paragraph (1)(a) (b) (c) or (d) of this section, shall consider that the relevant conduct of the assisted person in connection with the proceedings in that court is such as to make it unreasonable that he should receive legal aid in connection with any appeal arising from those proceedings, the court shall instruct the clerk of the court that in the event of an application by

the accused person for legal aid in connection with an appeal under section 1(6A)(ii) of the Act the terms of the finding made by the court in this respect shall be reported to the committee concerned for their consideration.

(b) Where a court of first instance has made a direction under paragraph (1)(e) of this section the direction shall continue to apply to any proceedings on appeal that may follow the proceedings in the court of first instance unless at the time of the making of the said direction or subsequently on the application of the person concerned, the court of first instance shall decide that it would be reasonable for the purposes of an appeal that the direction should cease to have effect.

#### *Statements on oath*

11. In considering any matter in regard to the entitlement of a person to legal aid the court may require that person to make a statement on oath for the purpose of ascertaining or verifying any fact material to his entitlement to legal aid.

#### *Finding of caution etc.*

12. Where a court has to fix a sum to be consigned by an appellant or for which caution is to be found by him under section 64 of the Summary Jurisdiction (Scotland) Act 1954 and the appellant has been granted an interim appeal certificate under regulation 9 of the Regulations, the court shall take into account as one of the relevant factors that the appellant has been granted such a certificate.

#### *Recovery of sums due to the Legal Aid (Scotland) Fund*

13.—(1) Where an award of expenses is made in favour of a person in any proceedings in which he has received legal aid then such expenses shall be paid to the Law Society of Scotland and only the Law Society shall be capable of giving a good discharge therefor.

(2) Where an accused person is entitled through the membership of any body or through the holding of or the terms of any insurance policy to payment of his legal expenses or to a contribution towards his legal expenses in connection with any proceedings under which he has received legal aid then such payment or contribution shall be made to the Law Society of Scotland by the body or insurance company concerned.

(3) Any sum paid to the Law Society under this section shall be paid into the Legal Aid (Scotland) Fund.

#### *Transitional provisions*

14. Where, at the date of coming into operation of this Act of Adjournal, a person involved in criminal proceedings is being defended as a poor person and regulation 11 of the Regulations applies to those proceedings, he shall continue to be entitled to be defended as a poor person in connection with those proceedings and the provisions of this Act of Adjournal shall not apply in connection therewith unless such person ceases, with the approval of the court, to be so defended for the purposes of the said proceedings.

And the Lords appoint this Act of Adjournal to be recorded in the Books of Adjournal, and to be published in the *Edinburgh Gazette*.

(Signed) *J. L. Clyde,*

I.P.D.

**EXPLANATORY NOTE**

*(This note is not part of the Act of Adjournal, but is intended to indicate its general purport.)*

This Act of Adjournal prescribes the criminal proceedings which shall be treated as distinct proceedings for the purposes of legal aid. It prescribes procedure for the disposal of applications to a Court for criminal legal aid, and states the circumstances in which the Court may direct that an assisted person shall cease to be entitled to legal aid. It also provides that the Court may put a person on oath in a matter in regard to his entitlement to legal aid. It provides for certain expenses and other payments to which an assisted person is entitled, to be paid into the Legal Aid (Scotland) Fund.

1964 No. 1410 (S. 92)

**LEGAL AID AND ADVICE, SCOTLAND**

**The Act of Adjournal (Criminal Legal Aid Fees) 1964**

*Made* - - - - - 31st August 1964

*Coming into Operation* 1st October 1964

**ACT OF ADJOURNAL  
RELATIVE TO CRIMINAL LEGAL AID FEES.**

*At Edinburgh, the 31st day of August 1964*

*Present—*

The Right Honourable  
The LORD JUSTICE-GENERAL ;  
The Honourable  
LORD CARMONT ;  
The Honourable  
LORD CAMERON.

The Lord Justice-General, Lord Justice-Clerk and Lords Commissioners of Justiciary, by virtue of the powers conferred upon them by section 13 of the Legal Aid (Scotland) Act 1949(a), as amended by the Legal Aid Act 1960(b) and the Criminal Justice (Scotland) Act 1963(c), and of all other powers competent to them in that behalf, do hereby enact as follows:—

1. This Act of Adjournal may be cited as the Act of Adjournal (Criminal Legal Aid Fees) 1964 and shall come into operation on 1st October 1964.

2.—(1) In this Act of Adjournal the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

“the Act” means the Legal Aid (Scotland) Act 1949(a), as amended by the Legal Aid Act 1960(b) and the Criminal Justice (Scotland) Act 1963(c) ;

“appeal certificate” means a certificate issued by the Supreme Court Committee under the Scheme ;

“duty solicitor” means a solicitor acting under a duty plan in terms of the Scheme ;

“High Court” means the High Court of Justiciary ;

“interim appeal certificate” means a preliminary appeal certificate issued in appeals as matter of urgency under the Regulations ;

“interim solicitor” means a solicitor appointed as matter of urgency under the Regulations ;

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(a) 12, 13 & 14 Geo. 6. c. 63.

(b) 8 & 9 Eliz. 2. c. 28.

(c) 1963 c. 39.

“Law Society” means the Law Society of Scotland established by the Solicitors (Scotland) Act 1949 ;

“legal aid” means legal aid in criminal proceedings under section 1 of the Act ;

“nominated solicitor” means a solicitor appointed to act for an assisted person under the Scheme where legal aid has been granted by a court of first instance or where an appeal certificate has been issued ;

“the Regulations” means the Legal Aid (Scotland) (Criminal Proceedings) Regulations 1964, and any regulations amending those Regulations ;

“the Scheme” means the Legal Aid (Scotland) (Criminal Proceedings) Scheme 1964 made by the Law Society under section 8 of the Act and includes any scheme amending that Scheme ;

“the sheriff court” shall, where appropriate, include a juvenile court constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937(a).

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Act of Adjournal as it applies for the interpretation of an Act of Parliament.

3.—(1) There shall be allowed to the duty solicitor representing accused persons in the sheriff court on rota in terms of article 6 of the Scheme, fees on the following scale:—

(a) attendance at court in forenoon—sessional fee of £5 for the first case and £1 for each additional case up to a maximum of £10.

(b) attendance at court in afternoon—sessional fee of £5 for the first case and £1 for each additional case up to a maximum of £7.

(2) Where, following a plea of guilty, one or more adjournments are ordered by the court, and the duty solicitor requires to appear again, then an additional fee shall be payable to the duty solicitor in respect of:

(a) additional interviews with the accused or others ;

(b) attendances at court other than during the course of the duty solicitor's period of duty.

The amount of such fees shall be such sum not exceeding £10 10s. 0d. as shall form reasonable remuneration having regard to the additional work and time involved: together with any reasonable consequential outlays.

4. There shall be allowed to the nominated solicitor acting for an accused person to whom legal aid has been granted in summary proceedings in the sheriff court a fee of not less than £6 6s. 0d. and not exceeding £47 5s. 0d. and a further fee not exceeding £15 15s. 0d. in respect of every day on which an adjourned hearing takes place.

5.—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom legal aid has been granted in solemn proceedings in the sheriff court a fee of not less than £8 8s. 0d. and not exceeding £78 15s. 0d.

(2) Where a trial has not been concluded on the day on which it started there shall be allowed to the solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day (a) where counsel has not been instructed, not exceeding £21 (b) where counsel has been instructed, not exceeding £15 15s. 0d.



6.—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom legal aid has been granted in solemn proceedings in the High Court a fee of not less than £10 10s. 0d. and not exceeding £78 15s. 0d.

(2) Where a trial has not been concluded on the day on which it started there shall be allowed to the solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £15 15s. 0d.

7. There shall be allowed to the interim solicitor nominated under an interim appeal certificate such fee not exceeding £10 10s. 0d. as appears to represent fair remuneration according to the work done:

Provided that when the interim solicitor becomes the nominated solicitor, the solicitor shall be allowed one account only in respect of the appeal.

8.—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom an appeal certificate has been granted in connection with an appeal from summary proceedings in any court of summary jurisdiction a fee of not less than £8 8s. 0d. and not exceeding £78 15s. 0d.

(2) Where the hearing of an appeal has not been concluded on the day on which it started there shall be allowed to the nominated solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £15 15s. 0d.

9.—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom an appeal certificate has been granted in connection with an appeal from solemn proceedings in the sheriff court a fee of not less than £8 8s. 0d. and not exceeding £78 15s. 0d.

(2) Where the hearing of an appeal has not been concluded on the day on which it started there shall be allowed to the nominated solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £15 15s. 0d.

10.—(1) There shall be allowed to the nominated solicitor acting for an accused person to whom an appeal certificate has been granted in connection with an appeal in respect of proceedings in the High Court a fee of not less than £8 8s. 0d. and not exceeding £78 15s. 0d.

(2) Where the hearing of an appeal has not been concluded on the day on which it started there shall be allowed to the nominated solicitor in addition to the fee allowed under the foregoing paragraph a daily fee in respect of the second and every subsequent day not exceeding £15 15s. 0d.

11.—(1) Where a nominated solicitor or interim solicitor represents two or more persons charged in the same indictment or complaint, or appealing against conviction or sentence in respect of the same indictment or complaint, the fee to be allowed to the solicitor whether one or more legal aid certificates, interim appeal certificates or appeal certificates have been granted, shall be increased in respect of each such person other than the first person so represented whose name appears in the relative indictment or complaint, by such amount as appears to be proper in all the circumstances of the case.

(2) The increases allowed by virtue of the last preceding sub-paragraph shall not exceed—

- (a) in respect of the second person so represented whose name appears in the relative indictment or complaint, 40 per cent. of the amount payable in respect of the first person so represented whose name appears therein ;
- (b) in respect of any other person so represented, 20 per cent. of the amount payable in respect of the first person so represented whose name appears in the relative indictment or complaint.

**12.—**(1) In addition to the fees payable under the provisions of the foregoing paragraphs the solicitor shall be allowed:—

(a) Expenses actually and reasonably incurred by himself or his clerk in travelling to and from the court at which the accused appears or the trial or appeal takes place (not being a court in the town or place where the solicitor has a place of business) and to and from the prison and any place visited for the purpose of preparing or conducting the defence or appeal:

Provided that in connection with this subparagraph—

- (i) where public transport is not used then a reasonable mileage allowance shall be treated as an outlay ;
- (ii) in considering the whole circumstances of any case time taken in travelling shall be treated as time employed in the case.
- (b) Fees paid to witnesses who are not on the Crown list, which fees shall not exceed the sums payable from time to time by the Crown to witnesses of the same categories.
- (c) Any other out of pocket expenses actually and reasonably incurred, including fees to counsel.

(2) Where the nominated solicitor requires to instruct another solicitor, whether an Edinburgh solicitor in connection with an appeal, or a solicitor at the place of the prison or the court, or a local solicitor for the purpose of local recognitions or enquiry, nevertheless only one account shall be rendered by the nominated solicitor in accordance with this Act of Adjournal (payment of the other solicitor being a matter for adjustment between the nominated solicitor and the other solicitor out of the fees payable hereunder) but in determining the sum to be allowed to the nominated solicitor, account shall be taken also of the work carried out by that other solicitor.

**13.—**(1) The determination of the sum to be allowed to a solicitor shall take into account all the relevant circumstances including the nature, importance, complexity or difficulty of the work and the time involved, including time spent at the court on any day in waiting for the case or for the appeal to be heard, and shall include such amount as appears to represent fair remuneration for the work actually and reasonably done.

(2) If it appears at any time after the final disposal of the case that for any reason, including the exceptional length, complexity or difficulty of the case, the sums payable by virtue of the foregoing paragraphs or any of them would not provide fair remuneration according to the work actually and reasonably done by the solicitor, then any limitation contained in these provisions on the amount of any fee payable shall not apply and such fees shall be allowed, after taking into account all the relevant circumstances of the case, in respect of the work done as appears to represent fair remuneration according to the work actually and reasonably done.

14. There shall be allowed to counsel in respect of the representation of any person receiving legal aid in connection with any criminal proceedings such sum as appears to the Law Society to represent fair remuneration for the work actually and reasonably done.

15.—(1) If any question or dispute arises as to the amount payable to any solicitor or counsel in respect of any remuneration payable for the representation of any person receiving legal aid in connection with any criminal proceedings in the High Court, including appeals, the matter shall be referred to the Auditor of the Court of Session for his decision as to what represents fair remuneration.

(2) If any question or dispute arises as to the amount payable to any solicitor or counsel in respect of any remuneration payable for the representation of any person receiving legal aid in connection with any criminal proceedings in the sheriff court, the matter shall be referred to the Auditor of the Sheriff Court for the district in which those proceedings took place for his decision as to what represents fair remuneration.

And the Lords Appoint this Act of Adjournal to be recorded in the Books of Adjournal, and to be published in the *Edinburgh Gazette*.

(Signed) *J. L. Clyde,*

I.P.D.

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#### EXPLANATORY NOTE

*(This Note is not part of the Act of Adjournal, but is intended to indicate its general purport.)*

This Act of Adjournal prescribes the maximum fees and certain minimum fees payable to solicitors acting for accused persons to whom legal aid has been granted, and the manner in which the sums payable to solicitors in respect of fees and outlays, and to counsel in respect of fees, are to be fixed. It also provides for any dispute as to the amount payable to a solicitor or counsel to be referred in the case of criminal proceedings in the High Court to the Auditor of the Court of Session, and in the case of criminal proceedings in the sheriff court to the Auditor of that sheriff court.

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**STATUTORY INSTRUMENTS**


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**1964 No. 1420**
**PENSIONS**
**The Superannuation (Service in Certain Places Abroad)  
(Amendment) Order 1964**

<i>Made - - - -</i>	<i>3rd September 1964</i>
<i>Laid before Parliament</i>	<i>10th September 1964</i>
<i>Coming into Operation</i>	<i>11th September 1964</i>

The Treasury, in exercise of the powers conferred upon them by section 42 of the Superannuation Act 1949(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

1. The Superannuation (Service in Certain Places Abroad) Order 1950(b), as amended(c), shall be further amended by inserting in the Schedule thereto, in the first column, at the end thereof, the words "Ships operated by or on behalf of H.M. Government in the sea area bounded on the North by the Continents of Asia and America and the Arctic Circle, on the East by the Continent of America (including the Panama Canal) and Longitude 67 degrees West, on the South by the Antarctic Circle, and on the West by the Continent of Africa (including Port Said and the Suez Canal) and Longitude 18 degrees East", and opposite to those words, in the second column, the words and figures "14th July 1949".

2. The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. This Order may be cited as the Superannuation (Service in Certain Places Abroad) (Amendment) Order 1964 and shall come into operation on 11th September 1964.

*John Peel,  
Martin McLaren,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

3rd September 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

Section 42 of the Superannuation Act 1949 provides for increased superannuation benefits and earlier retirement where service has been in certain places abroad. The Superannuation (Service in Certain Places Abroad) Order 1950 specifies the places to which section 42 applies. This Order amends the Order of 1950 so that section 42 also applies to service in Government vessels in a certain sea area comprising mainly the Indian and Pacific Oceans.

(a) 12, 13 & 14 Geo. 6. c. 44.

(b) S.I. 1950/948 (1950 II, p. 255).

(c) S.I. 1956/1701, 1959/1239, 2276 (1956 II, p. 1724; 1959 II, pp. 2009, 2010).

(d) 52 & 53 Vict. c. 63.

## 1964 No. 1423

## FOOD AND DRUGS

## MILK AND DAIRIES

## The Milk (Great Britain) (Amendment No. 2) Order 1964

*Made* - - - - - 7th September 1964

*Laid before Parliament* 14th September 1964

*Coming into Operation* 1st October 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 6, 7 and 22(3) of the Emergency Laws (Re-enactments and Repeals) Act 1964<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following order:—

1. This order may be cited as the Milk (Great Britain) (Amendment No. 2) Order 1964; and shall come into operation on 1st October 1964.

2. The Milk (Great Britain) Order 1962<sup>(b)</sup>, as amended<sup>(c)</sup>, shall be further amended as follows:—

(a) by substituting in article 2(1) thereof for the definition of Tuberculin Tested milk the following definition:—

“ ‘Tuberculin Tested milk’ means—

(a) as respects England and Wales, milk in respect of which the description ‘Tuberculin Tested Milk’ is lawfully used pursuant to the Milk (Special Designation) Regulations 1963<sup>(d)</sup>;

(b) as respects Scotland, milk in respect of which the special designation ‘Tuberculin Tested’ is lawfully used pursuant to the Milk (Special Designations) (Scotland) Orders 1951 and 1952<sup>(e)</sup>; ”;

(b) by substituting in the said article 2(1) for the definition of Tuberculin Tested Milk Farm Bottled the following definition:—

“ ‘Tuberculin Tested Milk Farm Bottled’ means untreated milk which has been bottled at the place of production and in respect of which the description ‘Tuberculin Tested Milk Farm Bottled’ is lawfully used pursuant to the Milk (Special Designation) Regulations 1963; ”;

(c) by adding at the end of the said article 2(1) the following definitions:—

“ ‘Untreated milk’ means milk in respect of which the special designation ‘Untreated’ is lawfully used pursuant to the Milk (Special Designation) Regulations 1963;

‘Untreated Milk Farm Bottled’ means untreated milk which has been bottled at the place of production and in respect of which the description ‘Untreated Milk Farm Bottled’ is lawfully used pursuant to the Milk (Special Designation) Regulations 1963.”;

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(a) 1964 c. 60.

(b) S.I. 1962/1786 (1962 II, p. 2145).

(c) S.I. 1964/469 (1964 I, p. 755).

(d) S.I. 1963/1571 (1963 III, p. 2937).

(e) S.I. 1951/644, 1952/2142 (1951 I, p. 1316; 1952 I, p. 1088).

(d) by substituting for Schedule 1 thereto the Schedule to this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 2nd September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 7th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

## SCHEDULE

### MAXIMUM PRICES OF MILK IN ENGLAND AND WALES

1. Subject to the provisions of this Schedule, the maximum price of milk on a sale in England and Wales shall be a price in accordance with the following table:—

Milk	Maximum Price (Rate per Pint)
<b>PART I</b>	
	Pence
Channel Islands Untreated Milk Farm Bottled	11
Other Channel Islands milk ... ..	10½
South Devon Untreated Milk Farm Bottled ...	11
Other South Devon milk ... ..	10½
Untreated Milk Farm Bottled ... ..	10½
Sterilised milk ... ..	9½
Homogenised milk ... ..	9½
Untreated milk ... ..	9
Pasteurised milk ... ..	9
Ordinary milk (that is to say, milk in respect of which a maximum price is not for the time being otherwise applicable in accordance with this Schedule) ... ..	9
<b>PART II</b>	
Channel Islands Tuberculin Tested Milk Farm Bottled ... ..	11
South Devon Tuberculin Tested Milk Farm Bottled ... ..	11
Tuberculin Tested Milk Farm Bottled ...	10½
Tuberculin Tested milk ... ..	9
Tuberculin Tested Milk (Pasteurised) ... ..	9

2. The maximum prices specified in Part II of the above table shall cease to be applicable on 1st January 1965.

3. A reasonable charge may be made by the seller in addition to the appropriate maximum price specified in the above table for milk sold by him as Kosher milk or Kedassia milk if—

- (a) such milk is sold in a container distinctly labelled “Kosher” or “Kedassia”, as the case may be; and
- (b) such milk has been prepared for consumption in accordance with the appropriate Jewish practice relating thereto.

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#### EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This amending order, which comes into operation on 1st October 1964, further amends the Milk (Great Britain) Order 1962, as amended, (which order now has effect, by virtue of section 22(3) of the Emergency Laws (Re-enactments and Repeals) Act 1964, as if made under sections 6 and 7 of that Act) to take account of the effect in England and Wales of the Milk (Special Designation) Regulations 1963 (S.I. 1963/1571; 1963 III, p. 2937). Under those regulations “Untreated” replaces “Tuberculin Tested” as the special designation for raw milk on 1st October 1964, although, in certain cases, the use of the words “Tuberculin Tested” in a description of milk is permitted until 31st December 1964.

The maximum prices of milk remain unchanged.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1424 (C. 18)

**HARBOURS, DOCKS, PIERS AND FERRIES**

**The Harbours Act 1964 (Commencement) Order 1964**

*Made - - - - 8th September 1964*

The Minister of Transport in exercise of his powers under section 63(4) of the Harbours Act 1964(a) and of all other powers enabling him hereby makes the following Order :—

1. Sections 26 to 40 and section 63(3) of the Harbours Act 1964 shall come into operation on the 1st October 1964.

2.—(1) This Order may be cited as the Harbours Act 1964 (Commencement) Order 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport the 8th September 1964.

(L.S.)

*Denis O'Neill,*  
An Under Secretary  
of the Ministry of Transport.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order brings into operation sections 26 to 40 of the Harbours Act 1964 which relate to harbour charges and to the conditions as to use of harbour services and facilities provided by certain harbour authorities and section 63(3) of the Act which repeals certain enactments.

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(a) 1964 c. 40.

(b) 52 & 53 Vict. c. 63.



## 1964 No. 1429 (S. 93)

## SEA FISHERIES

## The Sea Fisheries (Scotland) Byelaw (No. 71) 1964

Made - - - - - 12th June 1964

Coming into Operation 4th September 1964

The Secretary of State in exercise of the powers conferred on him by section 4 of the Sea Fisheries (Scotland) Amendment Act 1885(a) and section 6 of the Herring Fishery (Scotland) Act 1889(b) and of all other powers enabling him in that behalf hereby makes the following Byelaw:—

1.—(1) This Byelaw may be cited as the Sea Fisheries (Scotland) Byelaw (No. 71) 1964.

(2) This Byelaw shall come into force on the date of its confirmation by the Secretary of State and shall remain in force until 6th July 1965.

(3) The Sea Fisheries (Scotland) Byelaw (No. 68) 1963(c) is hereby revoked.

2. Notwithstanding the provisions of section 6(1) of the Herring Fishery (Scotland) Act 1889, it shall be lawful between 1st April and 31st October in any year to use the method of fishing known as otter trawling for the capture of Norway lobsters (*nephrops norvegicus*) in the waters lying within the area specified below, that is to say—in the Firth of Clyde inside a line drawn from Corsewall Point, in the county of Wigtown, to the Mull of Kintyre, in the county of Argyll, except within three miles of low-water mark of any part of the coast:

Provided that:—

- (1) the boat from which the trawl is used shall not exceed 70 feet in length overall;
- (2) the otter boards used in operating the trawl shall not exceed two in number and shall be made of wood; they shall be not more than one inch in thickness and fifteen square feet in area including an iron keel or shoe not bigger than one inch wide by three inches in depth and no artifice shall be used for the purpose of evading the restrictions on the type and size of boards imposed by this Byelaw;
- (3) no boat carrying otter boards constructed otherwise than above or exceeding the above dimensions shall use a trawl or other net within the permitted area;
- (4) no landing at the termination of a voyage by a boat which has been engaged in such fishing at any time during the voyage within the permitted area shall contain more than twenty-five per cent. by weight of fish other than Norway lobsters.

Made by the Secretary of State 12th June 1964.

*A. J. Aglen,*  
Fisheries Secretary.

Confirmed by the Secretary of State 4th September 1964.

*A. J. Aglen,*  
Fisheries Secretary.

St. Andrew's House,  
Edinburgh, 1.

**EXPLANATORY NOTE**

*(This Note is not part of the Byelaw, but is intended to indicate its general purport.)*

This Byelaw revokes Byelaw No. 68 made by the Secretary of State for Scotland which permits, on certain conditions, the use of a trawl net for the capture of Norway lobsters in certain specified waters in the Firth of Clyde ; and re-enacts the byelaw with an extension of the permitted season to include October.

The mesh of net to be used in such fishing and the minimum size limits of fish which may be landed are those prescribed in the relevant Orders for the time being in force under sections 3, 4 and 8 of the Sea Fishing Industry Act 1933, as amended by section 38 of the Sea Fish Industry Act 1938 ; section 1 of the White Fish and Herring Industries Act 1948 ; and section 5 of the Sea Fish Industry Act 1959.

1964 No. 1430

## THERAPEUTIC SUBSTANCES

**The Therapeutic Substances (Manufacture of Antibiotics)  
Amendment Regulations 1964**

<i>Made</i> - - - -	<i>7th September 1964</i>
<i>Laid before Parliament</i>	<i>15th September 1964</i>
<i>Coming into Operation</i>	<i>16th September 1964</i>

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by sections 1 and 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations:—

*Citation and Commencement*

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture of Antibiotics) Amendment Regulations 1964 and shall come into operation on 16th September 1964.

(2) The Therapeutic Substances (Manufacture of Antibiotics) Regulations 1963(b) (hereinafter referred to as “the principal regulations”) and these regulations may be cited together as the Therapeutic Substances (Manufacture of Antibiotics) Regulations 1963 and 1964.

*Interpretation*

2.—(1) In these regulations and in the principal regulations the expression “parenteral injection” in relation to any substance includes any administration of the substance by insertion into the body by any route other than that of the gastro-intestinal tract but does not include any application of the substance to the skin; and the categories of substances included in schedule 1 to the Therapeutic Substances Act 1956 by regulation 3 of the principal regulations shall be extended accordingly.

(2) In these regulations and in the principal regulations wherever any provision specifies a minimum potency for a substance in solid form (being a substance other than streptomycin or erythromycin) such potency shall be calculated with reference to the dried substance.

(3) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Inclusion of substances in schedule 1 to the Therapeutic Substances Act 1956*

3.—(1) In paragraph (2) of regulation 3 of the principal regulations for the words “Bacitracin and erythromycin” there shall be substituted the words “Bacitracin, erythromycin and kanamycin”, and for the word “either” there shall be substituted the word “any”.

(2) Paragraph (3) of regulation 3 of the principal regulations shall be renumbered as paragraph (4) and after paragraph (2) of the said regulation 3 there shall be inserted the following paragraph:—

(a) 4 & 5 Eliz. 2. c. 25. (b) S.I. 1963/1451 (1963 II, p. 2500). (c) 52 & 53 Vict. c. 63.

“(3) Colistin and derivatives thereof which are intended for parenteral injection, any substance intended for such injection the chemical or biological properties of which are identical with or similar to those of colistin or any derivatives thereof, and preparations intended for such injection which contain colistin or derivatives thereof or any such substance are hereby added to schedule 1 to the Act as being substances the purity or potency of which cannot be adequately tested by chemical means.”.

*Freedom from abnormal toxicity*

4. The following paragraphs shall be substituted for paragraph (2) of regulation 9 of the principal regulations (which prescribes the test for ensuring that an antibiotic is free from abnormal toxicity):—

“(2) A quantity of the antibiotic containing such number of units as is specified by the part of these regulations specifically relating to it, dissolved or suspended, if the antibiotic is in solid form, in a volume not exceeding 0.5 millilitre of purified water, or such other solvent as may be specified in relation to the antibiotic in the part of these regulations specifically relating to it, shall be injected intravenously over a period of time not exceeding one minute into each of 5 healthy mice each weighing between 17 and 22 grammes. The sample shall be regarded as free from abnormal toxicity if either:—

(a) the injection does not cause death in any of the mice within 24 hours; or

(b) the injection having caused death in one only of the mice within that period, further such injections in 5 other such mice do not cause the death of any of those mice within 24 hours.

(3) Where, by reason of the physical properties of any antibiotic, intravenous injection as prescribed in paragraph (2) of this regulation is likely to produce death in any of the mice from causes other than that of abnormal toxicity, then the test shall be carried out by intraperitoneal injection and the other requirements of the said paragraph (2), with the exception of the limitation as to the volume of the solvent, shall apply.

(4) In its application to polymyxin B and colistin, paragraph (2) and paragraph (3) of this regulation shall have effect as if references in paragraph (2) to 24 hours were references to 48 hours.”.

*Freedom from histamine-like substances*

5. The following paragraph shall be substituted for paragraph (2) of regulation 11 of the principal regulations (which prescribes tests for freedom from histamine-like substances):—

“(2) An antibiotic shall be tested for freedom from histamine-like substances as follows—

(a) A solution of the antibiotic, containing such quantity of the substance under examination as is specified in the part of these regulations specifically relating to it, shall be injected intravenously into a cat anaesthetised with chloralose or a suitable barbiturate. The volume of the solution shall correspond to 1 millilitre per kilogram of the cat's weight.

(b) Where, by reason of the physical properties of the antibiotic, intravenous injection of such a solution as is mentioned in subparagraph (a) of this paragraph is likely to affect the cat's circulatory system for reasons other than the presence of histamine-like substances, then the injection shall be of an extract prepared from twice such quantity of the substance under examination as is

specified in the part of these regulations specifically relating to it and the volume of the extract shall correspond to 1 millilitre per kilogram of the cat's weight.

The antibiotic shall be regarded as free from histamine-like substances if the injection produces a smaller fall of arterial blood pressure than is produced by the injection into the same cat of an equal volume of a solution of a histamine salt containing 0.1 microgram of histamine base per millilitre."

### *Penicillin*

6. In regulation 15(1)(a) of the principal regulations (which relates to the strength of penicillin) for the word "benzylpenicillin" there shall be substituted the words "sodium benzylpenicillin" and for the expression "1,100 units" there shall be substituted the expression "1,600 units".

### *Tetracycline*

7. For paragraph (1) of regulation 25 of the principal regulations there shall be substituted the following paragraph:—

"(1) Where any of the tetracyclines is in the form of a salt with an inorganic acid, it shall not be issued in solid form with a potency of less than 880 units per milligram in the case of oxytetracycline or 900 units per milligram in the case of chlortetracycline or 950 units per milligram in the case of tetracycline."

### *Antimicrobial peptides*

8. For part VI of the principal regulations there shall be substituted the following:—

## "PART VI

### SPECIAL PROVISIONS RELATING TO THE ANTIMICROBIAL PEPTIDES POLYMYXIN B AND COLISTIN AND PREPARATIONS THEREOF

#### *Definitions*

30.—(1) Polymyxin B is a mixture of antimicrobial peptides produced by strains of *Bacillus polymyxa* and it yields on hydrolysis with acid only the amino-acids leucine, phenylalanine, threonine and  $\alpha$ : $\gamma$  diaminobutyric acid together with d-6-methyloctan-1-oic acid. Polymyxin B includes any salt thereof with an inorganic acid, any derivative thereof and any substance the chemical or biological properties of which are identical with or similar to those of any of the substances aforesaid but which is produced by other means.

(2) Colistin is a mixture of antimicrobial peptides produced by strains of *Bacillus polymyxa* (var. *colistinus*) and it yields on hydrolysis with acid only the amino-acids leucine, threonine and  $\alpha$ : $\gamma$  diaminobutyric acid together with d-6-methyloctan-1-oic acid. Colistin includes any salt thereof with an inorganic acid, any derivative thereof and any substance the chemical or biological properties of which are identical with or similar to those of any of the substances aforesaid but which is produced by other means.

#### *Standard preparations*

31.—(1) The standard preparation of polymyxin B is one of polymyxin B sulphate.

(2) The standard preparation of colistin is one of colistin sulphate.

(3) The standard preparation of any derivative of polymyxin B or of colistin shall be one appropriate to that derivative.

### **Strength**

32.—(1) Polymyxin B sulphate shall not be issued in solid form with a potency of less than 6,500 units per milligram.

(2) Colistin sulphate shall not be issued in solid form with a potency of less than 18,000 units per milligram.

(3) Salts or derivatives of polymyxin B or of colistin, other than those mentioned in paragraphs (1) and (2) of this regulation, shall not be issued in solid form with a potency less than that determined by the licensing authority with reference to the molecular structure of the salt or derivative compared with that of polymyxin B sulphate or colistin sulphate as the case may be, or with reference to such other information as may be relevant.

### **Quality**

33. Salts of polymyxin B or of colistin shall form a clear solution with a pH value lying between 5.0 and 7.0 when the dried substance is reconstituted with purified water at a concentration of 100,000 units per millilitre in the case of polymyxin B or 300,000 units per millilitre in the case of colistin.

### **Number of units for purposes of tests**

34.—(1) For the purpose of the test for freedom from abnormal toxicity the number of units shall be—

(a) for polymyxin B or salts or derivatives thereof whose potency is expressed in terms of the standard preparation referred to in regulation 31(1) of these regulations, not less than 600 ;

(b) for colistin or salts or derivatives thereof whose potency is expressed in terms of the standard preparation referred to in regulation 31(2) of these regulations, not less than 2,000 ;

(c) for salts or derivatives of polymyxin B or of colistin other than those mentioned in sub-paragraphs (a) and (b) of this paragraph, a number determined by the licensing authority.

(2) For the purpose of the test for freedom from pyrogenic substances the number of units per kilogram of the weight of the rabbit used in the test shall be—

(a) for polymyxin B or salts or derivatives thereof whose potency is expressed in terms of the standard preparation referred to in regulation 31(1) of these regulations, not less than 10,000 ;

(b) for colistin or salts or derivatives thereof whose potency is expressed in terms of the standard preparation referred to in regulation 31(2) of these regulations, not less than 30,000 ;

(c) for salts or derivatives of polymyxin B or of colistin other than those mentioned in sub-paragraphs (a) and (b) of this paragraph, a number determined by the licensing authority.”.

### **Viomycin**

9. In regulation 39(2) of the principal regulations (which relates to the testing of viomycin) for the expression “2,000 units” there shall be substituted the expression “5,000 units”.

### **Bacitracin**

10. In regulation 43(1) of the principal regulations (which relates to the strength of bacitracin) for the expression “50 units” there shall be substituted the expression “55 units”.

*Kanamycin*

11. After regulation 51 of the principal regulations there shall be added the following:—

## “ PART X

## SPECIAL PROVISIONS RELATING TO KANAMYCIN

*Definition*

52. Kanamycin is the antimicrobial substance produced by *Streptomyces Kanamyceticus*. The expression includes any salt or derivative, or salt of a derivative, of kanamycin and any substance the chemical and biological properties of which are identical with or similar to those of the said substance but which is produced by other means.

*Standard preparation*

53. The standard preparation is one of kanamycin sulphate.

*Strength*

54.—(1) Kanamycin monosulphate in solid form shall not be issued with a potency of less than 750 units per milligram.

(2) Salts or derivatives of kanamycin other than that mentioned in paragraph (1) of this regulation shall not be issued in solid form with a potency less than that determined by the licensing authority with reference to the molecular structure of the salt or derivative compared with that of kanamycin monosulphate or with reference to such other information as may be relevant.

*Quality*

55.—(1) Kanamycin shall not be issued containing more than 5 per cent. of kanamycin B.

(2) Kanamycin shall form a clear solution with a pH value lying between 6·0 and 8·5 when the dried substance is dissolved in purified water at a concentration of 10,000 units per millilitre.

*Number of units for purpose of tests*

56.—(1) The number of units of kanamycin for the purpose of the test for freedom from abnormal toxicity shall be not less than 1,000.

(2) The number of units of kanamycin for the purpose of the test for freedom from pyrogenic substances shall be not less than 10,000 units per kilogram of the weight of the rabbit used in the test.

*Freedom from histamine-like substances*

57. Kanamycin shall be free from histamine-like substances. The number of units for the purpose of the test shall be not less than 3,000 units per millilitre of the solution.”.

These regulations were made by the aforesaid Joint Committee on 7th September 1964.

*Anthony Barber,*

*Wm. Craig,*

*Michael Noble,*

Members of the Joint Committee.

*W. Turner,*

Clerk to the Joint Committee.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations add colistin and derivatives thereof and kanamycin to the substances listed in schedule 1 to the Therapeutic Substances Act 1956 and amend the Therapeutic Substances (Manufacture of Antibiotics) Regulations 1963—

- (a) by adding special provisions with regard to colistin and derivatives thereof and kanamycin ;
- (b) by modifying certain testing requirements to bring them into line with recent advances in manufacturing practice ; and
- (c) by introducing a time element for certain test injections made intravenously.



## 1964 No. 1431

**THERAPEUTIC SUBSTANCES****The Therapeutic Substances (Manufacture of Enzymes and Enzyme Inhibitors) Amendment Regulations 1964**

<i>Made - - - -</i>	<i>7th September 1964</i>
<i>Laid before Parliament</i>	<i>15th September 1964</i>
<i>Coming into Operation</i>	<i>16th September 1964</i>

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by sections 1 and 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations:—

*Citation, Commencement and Interpretation*

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture of Enzymes and Enzyme Inhibitors) Amendment Regulations 1964 and shall come into operation on 16th September 1964.

(2) The Therapeutic Substances (Manufacture of Enzymes and Enzyme Inhibitors) Regulations 1963(b) (hereinafter referred to as “the principal regulations”) and these regulations may be cited together as the Therapeutic Substances (Manufacture of Enzymes and Enzyme Inhibitors) Regulations 1963 and 1964.

(3) In these regulations and in the principal regulations the expression “parenteral injection” in relation to any substance includes any administration of the substance by insertion into the body by any route other than that of the gastro-intestinal tract but does not include any application of the substance to the skin.

(4) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Hyaluronidase*

2. For paragraph (3) of regulation 9 of the principal regulations there shall be substituted the following paragraph:—

“(3) Hyaluronidase in the solid form with a potency of less than 300 units per milligram calculated with reference to the dried substance shall not be issued.”

*Streptokinase and Streptokinase-Streptodornase*

3. In paragraphs 22(c) and 30(c) of the principal regulations (which relate to the labelling of containers of streptokinase and streptokinase-streptodornase respectively) for the word “intravenous” there shall be substituted the word “intravascular”.

(a) 4 & 5 Eliz. 2. c. 25. (b) S.I. 1963/1454 (1963 II, p. 2521). (c) 52 & 53 Vict. c. 63.

*Preparations of Streptokinase intended for intravascular administration*

4. After Part IV of the principal regulations there shall be inserted the following part:—

**“ PART V****SPECIAL PROVISIONS RELATING TO PREPARATIONS  
OF STREPTOKINASE INTENDED FOR INTRAVASCULAR ADMINISTRATION***Method of preparation*

23. Preparations of streptokinase intended for intravascular administration shall be prepared from streptokinase complying with Part IV of these regulations.

*Quality*

24. Preparations of streptokinase intended for intravascular administration—

- (a) when dissolved according to the manufacturer's directions, or, if there are no such directions, in physiological saline, shall have a pH value lying between 7·0 and 7·5 ;
- (b) shall not contain more than 5 HD 50 of streptolysin for each 100,000 units of streptokinase, and for this purpose an HD 50 of streptolysin shall be the amount specified in regulation 19(2) of these regulations ;
- (c) shall not contain more than 5 units of streptodornase for each 100,000 units of streptokinase when estimated by a method approved by the licensing authority.

*Potency*

25. Preparations of streptokinase intended for intravascular administration—

- (a) shall be tested for potency in their final form by measurement of their ability to lyse a preformed clot of fibrinogen containing human plasminogen, by comparison against the standard preparation mentioned in regulation 17 of these regulations, and such potency shall be expressed in terms of the unit of standardisation as defined in regulation 18 of these regulations ;
- (b) shall have a potency of not less than 300 units per microgram of protein nitrogen contained in each preparation.

*Test for freedom from pyrogenic substances and for abnormal toxicity*

26.—(1) Preparations of streptokinase intended for intravascular administration shall be tested for freedom from pyrogenic substances in accordance with regulation 10 and schedule 3 of the general regulations, and the same test shall be used as a test for freedom from abnormal toxicity.

(2) The quantity of any such preparation for the purpose of any such test shall be 20,000 units per kilogram of the weight of each rabbit used in the test.

(3) The preparation shall be regarded as free from abnormal toxicity if all the rabbits used in the test survive for 7 days without showing significant signs referable to the injected substance.

**Labelling**

27.—(1) In addition to the particulars required by regulation 5(1) and (2) of these regulations, the following further particulars shall be borne by the container of a preparation of streptokinase intended for intravascular administration—

- (a) in the case of a solid preparation, the minimum number of units per milligram, and the total number of units of streptokinase in the container ;
- (b) in the case of a solution, the number of units per millilitre, and the total number of units of streptokinase in the container ;
- (c) the nature of the buffer and the diluent (if any) in the container ;
- (d) the nature of the vehicle recommended by the manufacturer for dissolving or diluting the preparation ;
- (e) a statement that the preparation is intended for intravascular administration ;
- (f) the maximum period of time after dissolving the preparation after which the solution must not be administered intravascularly.

(2) In addition to the particulars required by regulation 5(3) of these regulations, the following further particulars shall be borne either by the container of a preparation of streptokinase intended for intravascular administration or by the package in which it is offered for sale—

- (a) the method of administration recommended and any particular precautionary measures ;
- (b) a statement that the material is antigenic.”.

5.—(1) Parts V, VI and VII of the principal regulations shall be renumbered Parts VI, VII and VIII respectively.

(2) Regulations 23 to 35 of the said regulations shall be renumbered regulations 28 to 40 respectively.

**Heparin**

6. For paragraph 39(b) (as renumbered) of the principal regulations (which relates to the quality of heparin) there shall be substituted the following paragraph :—

“(b) it shall be soluble, at 20°C., in not more than 2.5 parts of water, and in a 1 per cent. w/v solution in water shall have a pH value lying between 6.0 and 8.0 ;”.

7.—(1) After regulation 40 (as renumbered) of the principal regulations there shall be inserted the following regulation :—

**“Freedom from depressor substances**

41.—(1) Heparin shall, if so required by the licensing authority, be tested for freedom from depressor substances, and in any event shall be free from such substances to such an extent that, if tested for freedom from such substances in accordance with this regulation, it would pass the test.

(2) A quantity of heparin containing not less than 1,000 units of heparin dissolved in one millilitre of water or physiological saline shall be injected intravenously into a cat anaesthetised with chloralose or a suitable barbiturate. The sample shall pass the test if the injection causes a smaller fall of arterial blood pressure than that produced by the injection into the same

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cat of a solution of histamine salt containing 0.3 microgram of histamine base in one millilitre of water or physiological saline.”.

(2) Regulations 36 and 37 of the principal regulations shall be renumbered regulations 42 and 43 respectively.

These regulations were made by the aforesaid Joint Committee on 7th September 1964.

*Anthony Barber,*

*Wm. Craig,*

*Michael Noble,*

Members of the Joint Committee.

*W. Turner,*

Clerk to the Joint Committee.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations amend the provisions of the Therapeutic Substances (Manufacture of Enzymes and Enzyme Inhibitors) Regulations 1963 in respect of hyaluronidase and heparin.

They also add to the said 1963 regulations provisions with regard to the strength, quality and purity of preparations of streptokinase intended for intravascular administration.

## 1964 No. 1432

## THERAPEUTIC SUBSTANCES

**The Therapeutic Substances (Manufacture of Hormone Products) Amendment Regulations 1964**

<i>Made - - - -</i>	<i>7th September 1964</i>
<i>Laid before Parliament</i>	<i>15th September 1964</i>
<i>Coming into Operation</i>	<i>16th September 1964</i>

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by sections 1 and 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations:—

*Citation, Commencement and Interpretation*

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture of Hormone Products) Amendment Regulations 1964 and shall come into operation on 16th September 1964.

(2) The Therapeutic Substances (Manufacture of Hormone Products) Regulations 1963(b) (hereinafter referred to as “the principal regulations”) and these regulations may be cited together as the Therapeutic Substances (Manufacture of Hormone Products) Regulations 1963 and 1964.

(3) In these regulations and in the principal regulations the expression “parenteral injection” in relation to any substance includes any administration of the substance by insertion into the body by any route other than that of the gastro-intestinal tract but does not include any application of the substance to the skin.

(4) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Inclusion of substances in schedule to Act*

2.—(1) Chorionic gonadotrophin and other gonadotrophins of biological origin, preparations thereof, and mixtures which include any of the foregoing are hereby added to schedule 1 to the Therapeutic Substances Act 1956 as being substances the purity or potency of which cannot be adequately tested by chemical means.

(2) For paragraph (2) of regulation 3 of the principal regulations there shall be substituted the following paragraph:—

“(2) Preparations of pituitary (posterior lobe) or of the active principles thereof (whether obtained by fractionation of the gland or by synthesis) or of derivatives of those principles with the same specific biological

(a) 4 & 5 Eliz. 2. c. 25. (b) S.I. 1963/1455 (1963 II, p. 2529). (c) 52 & 53 Vict. c. 63.

action, which are intended for use by parenteral injection are hereby added to schedule 1 to the Act as being substances the purity and potency of which cannot be adequately tested by chemical means.”.

### *Insulin*

3. For regulation 9 of the principal regulations (which relates to the quality of insulin) there shall be substituted the following regulation:—

#### *“ Potency and quality*

9.—(1) Insulin shall have a potency of not less than 22 units per milligram calculated with reference to the dried substance.

(2) Insulin which is issued as a watery solution shall have a pH value lying between 3·0 and 3·5.

(3) Insulin shall contain not more than 0·04 milligram of zinc per 100 units of insulin.”.

### *Globin zinc insulin, protamine zinc insulin, isophane insulin and insulin zinc suspensions*

4. For parts VI to IX of the principal regulations there shall be substituted the following:—

## “ PART VI

### SPECIAL PROVISIONS RELATING TO GLOBIN ZINC INSULIN

#### *Definition and proper name*

18. Globin zinc insulin is a preparation of the zinc salt of insulin combined with globin. Its proper name is “ globin zinc insulin ”.

#### *Quality*

18A.—(1) The preparation shall not contain less than 1·3 nor more than 1·8 per cent. w/v of glycerin.

(2) The preparation shall not contain less than 0·25 nor more than 0·35 milligram of zinc for each 100 units of insulin.

## PART VII

### SPECIAL PROVISIONS RELATING TO PROTAMINE ZINC INSULIN

#### *Definition and proper name*

19. Protamine zinc insulin is the complex produced by the interaction of insulin with a suitable protamine and zinc chloride. Its proper name is “ protamine zinc insulin ”.

#### *Quality*

20.—(1) The quantity of protamine in the preparation shall not be less than 1·0 milligram nor more than 1·7 milligrams of protamine sulphate for each 100 units of insulin.

(2) The liquor from which the precipitate of protamine zinc insulin has been removed shall not contain more than 2·5 per cent. of the stated activity of the original protamine zinc insulin.

(3) The suspension shall have a pH value lying between 6·9 and 7·3.

(4) The preparation shall not contain less than 0·2 nor more than 0·25 milligram of zinc for each 100 units of insulin.

(5) The preparation shall not contain less than 1·3 nor more than 1·8 per cent. w/v of glycerin.

#### *Labelling*

20A. In addition to the particulars required by regulation 4(1) and (2) of these regulations, a statement to the effect that the contents should be shaken immediately before use shall be borne by the container of a substance to which this part of these regulations relates.

### PART VIII

#### SPECIAL PROVISIONS RELATING TO ISOPHANE INSULIN

##### *Definition and proper name*

21. Isophane insulin consists substantially of a crystalline complex of insulin, protamine and zinc suspended in a buffered medium. Its proper name is "isophane insulin".

##### *Quality*

22.—(1) The quantity of protamine in the preparation shall not be less than 0·3 milligram nor more than 0·7 milligram of protamine sulphate for each 100 units of insulin.

(2) The suspension shall have a pH value lying between 7·1 and 7·4.

(3) The preparation shall contain not less than 1·4 nor more than 1·8 per cent. w/v of glycerin.

(4) The liquor from which the precipitate of isophane insulin has been removed shall not contain more than 2·5 per cent. of the stated activity of the original isophane insulin.

##### *Test for freedom from protaminase*

23.—(1) Isophane insulin shall be tested in accordance with this regulation to ensure its freedom from contamination with protaminase.

(2) A sample of 40 millilitres of isophane insulin shall be divided into two equal portions. One portion shall be centrifuged and the deposit washed with alcohol, dried and weighed. The other portion shall be placed in an incubator at 37°C. and left for 30 days. It shall then be removed from the incubator and centrifuged, and the deposit similarly washed with alcohol, dried and weighed. The loss in weight after 30 days' incubation at 37°C. shall not exceed 10 per cent. of the initial weight.

##### *Labelling*

23A. In addition to the particulars required by regulation 4(1) and (2) of these regulations, a statement to the effect that the contents should be shaken immediately before use shall be borne by the container of a substance to which this part of these regulations relates.

### PART IX

#### SPECIAL PROVISIONS RELATING TO INSULIN ZINC SUSPENSIONS

##### *Definition and proper names*

24.—(1) Insulin zinc suspensions are preparations of insulin with zinc in a suitable buffer such that the insulin is in a form insoluble in water. The proper name of any such preparation is "insulin zinc suspension"

followed in parenthesis by the word "crystalline" if the insulin is almost wholly in crystalline form or by the word "amorphous" if the insulin is almost wholly in amorphous form and, when not followed by a word in parenthesis, the term "insulin zinc suspension" shall denote a buffered suspension of seven parts of insulin zinc suspension (crystalline) with three parts of insulin zinc suspension (amorphous).

(2) Insulin zinc suspension (crystalline) is a buffered suspension of insulin with zinc chloride in the form of crystals insoluble in water.

(3) Insulin zinc suspension (amorphous) is a buffered suspension of insulin with zinc chloride in the amorphous form insoluble in water.

### *Quality*

25.—(1) The suspension shall have a pH value lying between 7·2 and 7·5.

(2) The liquor from which the precipitate of any of the insulin zinc suspensions mentioned in regulation 24 of these regulations has been removed shall not contain more than 2·5 per cent. of the stated activity of the original zinc suspension.

(3) The liquor from which the precipitate of any of the insulin zinc suspensions mentioned in regulation 24 of these regulations has been removed shall not contain more than 0·0055 per cent. w/v of zinc in preparations containing 40 units of insulin per millilitre nor more than 0·007 per cent. w/v of zinc in preparations containing 80 or more units of insulin per millilitre.

(4) The amount of insulin extractable with a suitably buffered acetone solution from any centrifuged precipitate of insulin zinc suspension (crystalline) shall be not greater than 15 per cent. of the total insulin present.

(5) The amount of insulin extractable with a suitably buffered acetone solution from any centrifuged deposit of insulin zinc suspension shall lie between 27 and 40 per cent. of the total insulin present.

### *Labelling*

25A. In addition to the particulars required by regulation 4(1) and (2) of these regulations, a statement to the effect that the contents should be shaken immediately before use shall be borne by the container of a substance to which this part of these regulations relates."

### *Corticotrophin*

5. In Part XV of the principal regulations before regulation 45 there shall be inserted the following regulation:—

#### *"Quality*

44A.—(1) Corticotrophin shall not be issued with a potency of less than 24 units per milligram in preparations where the ox or the sheep gland is used as the source of the preparation, or less than 45 units per milligram where the pig gland is used as the source.

(2) Corticotrophin when dissolved according to the manufacturer's directions, or, if there are no such directions, in water, shall have a pH value lying between 3·0 and 5·0."



6. In regulation 46(2) of the principal regulations (which relates to the toxicity testing of corticotrophin) for the expression "3·0 units" there shall be substituted the expression "9·0 units".

7. After regulation 55 of the principal regulations there shall be inserted the following regulation:—

*"Quality"*

55A.—(1) Long-acting corticotrophin as a preparation of corticotrophin with gelatin shall have a pH value lying between 4·5 and 7·0.

(2) Long-acting corticotrophin as a preparation of corticotrophin with zinc hydroxide shall have a pH value lying between 7·6 and 8·1.

(3) A preparation of corticotrophin with zinc hydroxide shall not contain more than 3·0 milligrams of zinc per millilitre.

(4) The liquor obtained by centrifugation of a preparation of corticotrophin with zinc hydroxide shall not contain more than 0·1 milligram of zinc per millilitre."

8. After regulation 58 of the principal regulations there shall be added the following regulations:—

## "PART XIX

### GENERAL PROVISIONS APPLICABLE TO CHORIONIC GONADOTROPHIN AND PREPARATIONS OF CHORIONIC GONADOTROPHIN

*Definition and proper name*

59.—(1) Chorionic gonadotrophin is a dry sterile preparation of the gonad-stimulating substance obtained from the urine of pregnant women.

(2) The proper name of chorionic gonadotrophin is "chorionic gonadotrophin".

*Methods of preparation and of sterilisation*

60. Chorionic gonadotrophin shall be prepared from the urine of pregnant women and shall be sterilised by filtration.

*Standard preparation*

61. The standard preparation of chorionic gonadotrophin is one of dried chorionic gonadotrophin kept at the National Institute for Medical Research, London.

*Unit of standardisation*

62. The unit of chorionic gonadotrophin for the purpose of these regulations is the specific activity contained in such an amount of the standard preparation as is for the time being indicated by the licensing authority, on the advice of the Medical Research Council, as the quantity exactly equivalent to the unit accepted for international use.

*Strength*

63. Chorionic gonadotrophin in solid form shall have a potency not less than 1,500 units per milligram.

*Tests for sterility*

64. Chorionic gonadotrophin and preparations thereof shall be tested for sterility in accordance with the general regulations.

*Test for freedom from oestrogens*

65.—(1) Chorionic gonadotrophin shall be tested for freedom from oestrogens in accordance with this regulation.

(2) A solution containing not less than 100 units of chorionic gonadotrophin in not more than 0.5 millilitre of physiological saline shall be injected subcutaneously into each of 3 rats or 3 mice which have been prepared by ovariectomy not less than 14 days prior to the injection. The preparation shall pass the test if vaginal smears taken from all the rats or mice on each of the third, fourth and fifth days following the injection show no signs of positive oestrus response.

*Test for freedom from abnormal toxicity*

66.—(1) Chorionic gonadotrophin shall be tested for abnormal toxicity in accordance with this regulation.

(2) A solution containing not less than 1,000 units of chorionic gonadotrophin in not more than 0.5 millilitre of physiological saline shall be injected intravenously over a period of time not exceeding one minute into each of 5 healthy mice, each weighing between 18 and 20 grammes. The preparation shall pass the test either if none of the injected mice dies within 48 hours after the injection, or if only one of the mice dies within that period and, after similar injections have been made into 5 other such mice, none of these mice dies within 48 hours after the injection.

*Labelling*

67. The labelling requirements of regulation 4 of these regulations shall not apply in respect of chorionic gonadotrophin or preparations of chorionic gonadotrophin, but instead the following requirements shall apply:—

- (a) the particulars specified in regulation 6(1)(a), (b), (c) and (d) of the general regulations shall be borne by the container thereof;
- (b) the particulars specified in sub-paragraph (f) of the said regulation 6(1), together with a statement regarding the precautions necessary for best preserving the properties of the contents shall be borne both by the said container and by the package in which it is offered for sale;
- (c) the particulars specified in sub-paragraph (e) of the said regulation 6(1) shall be borne either by the said container or by the said package.

**PART XX****SPECIAL PROVISIONS RELATING TO CHORIONIC GONADOTROPHIN AND PREPARATIONS THEREOF INTENDED FOR PARENTERAL INJECTION***Method of preparation*

68. Preparations of chorionic gonadotrophin intended for parenteral injection shall be prepared from chorionic gonadotrophin complying with the preceding part of these regulations. They shall be sterilised by filtration.

*Potency*

69. Preparations of chorionic gonadotrophin intended for parenteral injection shall be assayed in their final form, in terms of units defined

in regulation 62 of these regulations, by a method approved by the licensing authority, and the potency and the fiducial limits of error of the potency shall be calculated from the results of the test. The estimated potency shall lie between 80 per cent. and 125 per cent. of the potency stated on the label. The fiducial limits of error ( $P=0.95$ ) shall lie between 64 per cent. and 156 per cent. of the potency stated on the label.

*Freedom from pyrogenic substances*

70.—(1) Chorionic gonadotrophin intended for parenteral injection shall, if so required by the licensing authority, be tested for freedom from pyrogenic substances in accordance with the general regulations, and in any event shall be free from such substances to such an extent that, if so tested, it would pass the test.

(2) The number of units of chorionic gonadotrophin for the purpose of the test for freedom from pyrogenic substances shall be not less than 1,500 per kilogram of the weight of each rabbit used in the test.

*Labelling*

71. The labelling requirements of regulation 67 of these regulations shall not apply in respect of chorionic gonadotrophin or preparations of chorionic gonadotrophin intended for parenteral injection, but instead the following requirements shall apply:—

(a) the particulars specified in regulation 6(1)(a), (b) and (c) of the general regulations shall be borne by the container thereof, and, in addition—

(i) in the case of a solid preparation, the total number of units in the container and the nature of the vehicle for mixing with the preparation and the volume to be added; or

(ii) in the case of a liquid preparation, the total number of units in the solution, the total volume in the container and the nature of the vehicle included in the mixture

shall be shown on the container;

(b) the particulars specified in regulation 6(1)(e), (f), (g) and (h) of the general regulations, together with the details of any substances which have been added, shall be borne either by the said container or by the package in which it is offered for sale.”

These regulations were made by the aforesaid Joint Committee on 7th September 1964.

*Anthony Barber,*

*Wm. Craig,*

*Michael Noble,*

Members of the Joint Committee.

*W. Turner,*

Clerk to the Joint Committee.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations amend the Therapeutic Substances (Manufacture of Hormone Products) Regulations 1963 so as to bring the requirements of those regulations into line with recent advances in practice as regards the manufacture of hormone products.

In addition chorionic gonadotrophin and other gonadotrophins of biological origin are added to the list of substances included in schedule 1 to the Therapeutic Substances Act 1956 as being substances the purity or potency of which cannot be adequately tested by chemical means. The regulations prescribe standards of purity and potency and labelling requirements for the added substances.

1964 No. 1433

## THERAPEUTIC SUBSTANCES

**The Therapeutic Substances (Manufacture of Surgical Materials) Amendment Regulations 1964***Made* - - - - *7th September 1964**Laid before Parliament* *15th September 1964**Coming into Operation* *16th September 1964*

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by section 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations:—

*Citation, Commencement and Interpretation*

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture of Surgical Materials) Amendment Regulations 1964 and shall come into operation on 16th September 1964.

(2) The Therapeutic Substances (Manufacture of Surgical Materials) Regulations 1963(b) and these regulations may be cited together as the Therapeutic Substances (Manufacture of Surgical Materials) Regulations 1963 and 1964.

(3) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Amendment of the Therapeutic Substances (Manufacture of Surgical Materials) Regulations 1963*

2. The Therapeutic Substances (Manufacture of Surgical Materials) Regulations 1963 shall be amended as follows:—

(a) In the proviso to regulation 6(1) (Tests for sterility) for the expressions “ 12 days ” and “ 5 days ” there shall be substituted the expressions “ 14 days ” and “ 7 days ” respectively ;

(b) For regulation 8 (Definition and proper name of surgical ligature and surgical suture) there shall be substituted the following regulation—

“ 8. Surgical ligature or surgical suture is any ligature or form of binding material prepared from the gut or any tissue of an animal. When such ligature or suture is offered or intended to be offered for sale as sterile and ready for use, the proper name of the substance shall be the accepted name or a title descriptive of the true nature and origin of the substance, preceded by the words “ sterilised surgical ” as, for example, “ sterilised surgical catgut ” or “ sterilised surgical horsehair. ” ;

(a) 4 &amp; 5 Eliz. 2. c. 25.

(b) S.I. 1963/1458 (1963 II, p. 2557).

(c) 52 &amp; 53 Vict. c. 63.

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(c) In regulation 10 (Labelling) for the reference to regulation 6 there shall be substituted a reference to regulation 7.

These regulations were made by the aforesaid Joint Committee on 7th September 1964.

*Anthony Barber,*

*Wm. Craig,*

*Michael Noble,*

Members of the Joint Committee.

*W. Turner,*

Clerk of the Joint Committee.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations make the necessary amendments to the Therapeutic Substances (Manufacture of Surgical Materials) Regulations 1963 consequential upon an extension of the incubation period in testing for sterility prescribed in schedule 2 to the Therapeutic Substances (Manufacture and Importation) General Regulations 1963 (S.I. 1963/1450 (1963 II, p. 2483)). They also correct a mis-reference in the former Regulations and provide new proper names for surgical ligatures and sutures.

1964 No. 1434

**THERAPEUTIC SUBSTANCES****The Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Amendment Regulations 1964**

*Made* - - - - 7th September 1964  
*Laid before Parliament* 15th September 1964  
*Coming into Operation* 16th September 1964

The Joint Committee constituted by section 4(1) of the Therapeutic Substances Act 1956(a), in exercise of the powers conferred on them by section 5 of the said Act, after consultation with the Advisory Committee constituted under section 4(2) of the said Act, hereby make the following regulations :—

*Citation, Commencement and Interpretation*

1.—(1) These regulations may be cited as the Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Amendment Regulations 1964, and shall come into operation on 16th September 1964.

(2) The Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Regulations 1963(b) and these regulations may be cited together as the Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Regulations 1963 and 1964.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Amendment of the Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Regulations 1963*

2. The Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Regulations 1963 shall be amended as follows :—

(a) For regulation 4 (Tests of combined antigens) there shall be substituted the following regulation—

“ 4. Where antigens are combined in a single vaccine the vaccine in its combined form shall satisfy the tests for potency and toxicity prescribed by these regulations for each substance included in the combination and shall conform in other respects to the standards prescribed by the general regulations and these regulations for each such substance.”;

(b) In regulation 5 (which relates to tests on guinea-pigs) after “ XVIII ” there shall be inserted the words “ or parts XXIII to XXV ”;

(c) At the end of regulation 19 (which relates to the testing of B.C.G. vaccine) there shall be added the following paragraph—

“ (6) When dried B.C.G. vaccine intended for other than intracutaneous injection is reconstituted for testing in accordance with regulations 22, 23 and 24 of these regulations, the reconstituted

(a) 4 & 5 Eliz. 2. c. 25. (b) S.I. 1963/1459 (1963 II, p. 2561).  
(c) 52 & 53 Vict. c. 63.

vaccine shall be diluted to a strength corresponding to the strength of a dried vaccine, made from an identical strain of B.C.G. and intended for intracutaneous injection, when being tested under these regulations.”;

(d) After regulation 122 there shall be added the following regulations—

### “ PART XXIII

#### SPECIAL PROVISIONS RELATING TO DIPHTHERIA AND PERTUSSIS VACCINE

##### *Definition and proper name*

123. Diphtheria and pertussis vaccine is a mixture of diphtheria vaccine F.T. and pertussis vaccine. The proper name of the substance in the form of a simple suspension is “diphtheria and pertussis vaccine” and in any form other than that of a simple suspension is “diphtheria and pertussis vaccine” together with a phrase indicating the nature of the additional process to which it has been subjected, e.g. “diphtheria and pertussis vaccine containing aluminium hydroxide or aluminium phosphate”.

##### *Tests for potency*

124.—(1) Diphtheria and pertussis vaccine shall be tested for potency as prescribed for diphtheria vaccine F.T. in regulation 49 of these regulations, and for pertussis vaccine in regulation 113 of these regulations.

(2) Diphtheria and pertussis vaccine containing aluminium hydroxide or aluminium phosphate shall be tested for potency as prescribed for diphtheria vaccine A.P.T. in regulation 52 of these regulations, and for pertussis vaccine in regulation 113 of these regulations.

##### *Test for specific toxicity*

125. A quantity of diphtheria and pertussis vaccine equivalent to the dose required by regulation 6(3) of these regulations to be stated on the container shall be injected subcutaneously or intraperitoneally into each of not less than 5 guinea-pigs. The injection shall not cause the death from specific diphtheria toxæmia of any of the guinea-pigs within 30 days.

### PART XXIV

#### SPECIAL PROVISIONS RELATING TO DIPHTHERIA AND TETANUS VACCINE

##### *Definition and proper name*

126. Diphtheria and tetanus vaccine is a mixture of diphtheria vaccine F.T. and tetanus vaccine. The proper name of the substance in the form of a simple solution is “diphtheria and tetanus vaccine” and in any form other than that of a simple solution is “diphtheria and tetanus vaccine” together with a phrase indicating the nature of the additional process to which it has been subjected, e.g., “diphtheria and tetanus vaccine containing aluminium hydroxide or aluminium phosphate”.



*Tests for potency as an immunising antigen*

127.—(1) Diphtheria and tetanus vaccine shall be tested for potency as prescribed for diphtheria vaccine F.T. in regulation 49 of these regulations, and for tetanus vaccine in regulation 67(c) of these regulations.

(2) Diphtheria and tetanus vaccine containing aluminium hydroxide or aluminium phosphate shall be tested for potency as prescribed for diphtheria vaccine A.P.T. in regulation 52 of these regulations, and for tetanus vaccine in regulation 68(3) of these regulations.

*Tests for specific toxicity*

128.—(1) A quantity of diphtheria and tetanus vaccine equivalent to 5 times the dose required by regulation 6(3) of these regulations to be stated on the container shall be injected subcutaneously or intraperitoneally into each of not less than 5 guinea-pigs. The injection shall not cause the death from specific diphtheria toxæmia of any of the guinea-pigs within 30 days, or produce any symptoms of tetanus in any of the guinea-pigs within 30 days.

(2) A quantity of diphtheria and tetanus vaccine containing aluminium hydroxide or aluminium phosphate equivalent to the dose required by regulation 6(3) of these regulations to be stated on the container shall be injected subcutaneously or intraperitoneally into each of not less than 5 guinea-pigs. The injection shall not cause the death from specific diphtheria toxæmia of any of the guinea-pigs within 30 days, or produce any symptoms of tetanus in any of the guinea-pigs within 30 days.

## PART XXV

SPECIAL PROVISIONS RELATING TO DIPHTHERIA, TETANUS AND  
PERTUSSIS VACCINE*Definition and proper name*

129. Diphtheria, tetanus and pertussis vaccine is a mixture of diphtheria vaccine F.T., tetanus vaccine and pertussis vaccine. The proper name of the substance in the form of a simple suspension is "diphtheria, tetanus and pertussis vaccine" and in any form other than that of a simple suspension is "diphtheria, tetanus and pertussis vaccine" together with a phrase indicating the nature of the additional process to which it has been subjected, e.g., "diphtheria, tetanus and pertussis vaccine containing aluminium hydroxide or aluminium phosphate".

*Tests for potency*

130.—(1) Diphtheria, tetanus and pertussis vaccine shall be tested for potency as prescribed for diphtheria vaccine F.T. in regulation 49 of these regulations, for tetanus vaccine in regulation 67(c) of these regulations, and for pertussis vaccine in regulation 113 of these regulations.

(2) Diphtheria, tetanus and pertussis vaccine containing aluminium hydroxide or aluminium phosphate shall be tested for potency as prescribed for diphtheria vaccine A.P.T. in regulation 52 of these regulations, for tetanus vaccine in regulation 68(3) of these regulations, and for pertussis vaccine in regulation 113 of these regulations

*Test for specific toxicity*

131. A quantity of diphtheria, tetanus and pertussis vaccine equivalent to the dose required by regulation 6(3) of these regulations to be stated on the container shall be injected subcutaneously or intraperitoneally into each of not less than 5 guinea-pigs. The injection shall not cause death from specific diphtheria toxæmia of any of the guinea-pigs within 30 days or produce any symptoms of tetanus in any of the guinea-pigs within 30 days."

These regulations were made by the aforesaid Joint Committee on 7th September 1964.

*Anthony Barber,  
Wm. Craig,  
Michael Noble,*

Members of the Joint Committee.

*W. Turner,*

Clerk to the Joint Committee.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations extend the provisions of the Therapeutic Substances (Manufacture of Vaccines, Toxins and Antigens) Regulations 1963 to make special provisions for combined diphtheria, tetanus and pertussis vaccines, including provisions for testing their potency and freedom from toxicity.

1964 No. 1435 (C. 19)

**CRIMINAL PROCEDURE, ENGLAND AND WALES**

**MAGISTRATES' COURTS**

**The Administration of Justice Act 1964 (Commencement No. 2)  
Order 1964**

*Made . . . . . 7th September 1964*

In exercise of the powers conferred on me by section 41 of the Administration of Justice Act 1964(a), I hereby make the following Order:—

1. The provisions of the Administration of Justice Act 1964 specified in the first column of Schedule 1 hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on 1st October 1964.

2. The provisions of the said Act specified in the first column of Schedule 2 hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on 1st January 1965.

3. The following provisions of the said Act shall come into operation on 1st April 1965, so far as they are not already in force on that date, namely, Part II, section 39 and section 41(8) (being all the remaining provisions of the Act which will not otherwise be in force on that date).

4. This Order may be cited as the Administration of Justice Act 1964 (Commencement No. 2) Order 1964.

*Henry Brooke,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

7th September 1964.

## SCHEDULE 1

Provisions of the Act	Subject matter of provisions
Section 8(8) and (9) ... ..	Superannuation of clerks and deputy clerks of the peace.
Section 27, except so far as it relates to a metropolitan stipendiary magistrate or a clerk or other officer of a metropolitan stipendiary court.	Indemnification of justices of the peace and justices' clerks.
Section 28 ... ..	Indemnification of justices of the peace, justices' clerks, recorders and clerks of the peace in respect of prerogative proceedings and acts done in quarter sessions.
Section 39(2), so far as it relates to the provisions of Schedule 3 hereinafter specified.	Consequential and minor modifications and amendments.
Section 41(8), so far as it relates to the provisions of Schedule 5 hereinafter specified.	Repeals.
In Schedule 3, paragraph 16 ... ..	Application of Local Government Superannuation Act 1937(a) to justices' clerks and other staff for an outer London area.
In Schedule 3, paragraph 19(3) ...	Qualifications of co-opted members of case committees.
In Schedule 3, paragraph 19(4) ...	Delegation of functions of probation committee to a subcommittee.
So much of Schedule 5 as is set out in the Appendix hereto.	Repeals.

(a) 1 Edw. 8 &amp; 1 Geo. 6. c. 68.

APPENDIX

Chapter	Title or Short Title	Extent of Repeal
51 & 52 Vict. c. 41	The Local Government Act 1888.	Section 66, in so far as it relates to costs incurred by a justice.
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In section 25(2), the words from "or by" in paragraph (c) to the end of the subsection.  In section 26(3), the words "or under paragraph (d) of subsection (2) of the last foregoing section".

SCHEDULE 2

Provisions of the Act	Subject matter of provisions
Section 1(2) ... ..	Number of sessions of Central Criminal Court.
Section 1(3), so far as it relates to the provisions of Schedule 1 hereinafter specified.	The provisions of Schedule 1.
Section 19, other than paragraph (c) of subsection (2).	Sheriff of Greater London.
Section 39(2), so far as it relates to the provisions of Schedule 3 hereinafter specified.	Consequential and minor modifications and amendments.
Section 41(8), so far as it relates to the provisions of Schedule 5 hereinafter specified.	Repeals.
In Schedule 1, paragraphs 9 to 14.	Sittings of the Central Criminal Court.
In Schedule 3, sub-paragraphs (1) and (2) of paragraph 22.	Application of certain sections of the Magistrates' Courts Act 1952(a) to the Central Criminal Court.
So much of Schedule 5 as is set out in the Appendix hereto.	Repeals.

## APPENDIX

Chapter	Title or Short Title	Extent of Repeal
4 & 5 Will. 4. c. 36 ...	The Central Criminal Court Act 1834	Section 15.
15 & 16 Geo. 5. c. 49	The Supreme Court of Judicature (Consolidation) Act 1925.	Section 74.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order brings into force all the provisions of the Administration of Justice Act 1964, not otherwise brought into force by the Act itself or by the Administration of Justice Act 1964 (Commencement No. 1) Order 1964 (S.I. 1964/864). The provisions set out in Schedule 1 to this Order come into force on 1st October 1964; those set out in Schedule 2 come into force on 1st January 1965; the remaining provisions come into force on 1st April 1965.

## 1964 No. 1436

## POISONS

## The Poisons List (No. 2) Order 1964

*Made* - - - - - 7th September 1964

*Laid before Parliament* 16th September 1964

*Coming into Operation* 1st October 1964

Whereas the Poisons Board has recommended to me that the list of substances which are to be treated as poisons for the purposes of the Pharmacy and Poisons Act 1933<sup>(a)</sup> should be amended so that certain additional substances should be included in Part I of the said list (which Part specifies those poisons which, subject to the provisions of the said Act, are not to be sold except by a person who is an authorised seller of poisons) and so that there should be certain variations of nomenclature in the said Part :

Now, therefore, in pursuance of section 17(5) of the said Act, I hereby order as follows :—

1. Part I of the Poisons List<sup>(b)</sup> shall be amended and varied in the manner specified in Schedule 1 to this Order, and accordingly the list of substances which are to be treated as poisons for the purposes of the Pharmacy and Poisons Act 1933 shall be as set out in Schedule 2 to this Order.

2. This Order may be cited as the Poisons List (No. 2) Order 1964 and shall come into operation on 1st October 1964.

*Henry Brooke,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

7th September 1964.

## SCHEDULE 1

## AMENDMENTS AND VARIATIONS IN PART I OF THE POISONS LIST

In Part I of the Poisons List—

- (a) in the item beginning with the word "Cycrimine" the formula set out in parenthesis after the said word shall be omitted ;
- (b) after the item "Ethinamate" there shall be inserted the item "Ethionamide" ;
- (c) the item "4-Hydroxymethyl-2, 2-diisopropyl-1 ; 3-dioxolan" shall be omitted, and after the item "Proheptazine ; its salts" there shall be inserted the item "Promoxolan" (being a different name for the same substance) ;

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(a) 23 & 24 Geo. 5. c. 25.

(b) See Schedule 2 to the Poisons List Order 1964, S.I. 1964/581 (1964 I, p. 1026).

- (d) for the item "Mercaptopurine; its salts" there shall be substituted the item "Mercaptopurine; its salts; derivatives of mercaptopurine; their salts";
- (e) the item "N-[2-(N-Methylphenethylamino) propyl] propionanilide; its salts" shall be omitted, and after the item "Diacetylnalorphine; its salts" there shall be inserted the item "Diampromide; its salts" (being a different description of the same substances);
- (f) after the item "Propoxyphene; its salts" there shall be inserted the item "Propylhexedrine; its salts";
- (g) for the item "Tri-(1-aziridinyl)-1, 4-benzoquinone" there shall be substituted the item "Triaziuone" (being a different name for the same substance).

## SCHEDULE 2

### THE POISONS LIST

#### PART I

Acetanilide; alkyl acetanilides

Acetohexamide

Acetylcarbromal

Acetyldihydrocodeine; its salts

Alkali fluorides other than those specified in Part II of this List

Alkaloids, the following; their salts, simple or complex; their quaternary compounds:—

Aconite, alkaloids of

Atropine

Belladonna, alkaloids of

Brucine

Calabar bean, alkaloids of

Coca, alkaloids of

Cocaine

Codeine

Colchicum, alkaloids of

Coniine

Cotarnine

Curare, alkaloids of; curare bases

Ecgonine; its esters

Emetine

Ephedra, alkaloids of

Ergot, alkaloids of

Gelsemium, alkaloids of

Homatropine

Hyoscyne

Hyoscyamine

Jaborandi, alkaloids of

Lobelia, alkaloids of

Morphine

Papaverine

Pomegranate, alkaloids of

Quebracho, alkaloids of, other than the alkaloids of red quebracho

Rauwolfia, alkaloids of; their derivatives

Sabadilla, alkaloids of

Solanaceous alkaloids not otherwise included in this List

Stavesacre, alkaloids of

Strychnine

Thebaine

Veratrum, alkaloids of

Yohimba, alkaloids of



**Allylisopropylacetylurea**

**Allylprodine ; its salts**

**Alphameprodine ; its salts**

**Alphaprodine ; its salts**

**Amidopyrine ; its salts ; amidopyrine sulphonates ; their salts**

**Amino-alcohols esterified with benzoic acid, phenylacetic acid, phenylpropionic acid, cinnamic acid or the derivatives of these acids ; their salts**

***p*-Aminobenzenesulphonamide ; its salts ; derivatives of *p*-aminobenzenesulphonamide having any of the hydrogen atoms of the *p*-amino group or of the sulphonamide group substituted by another radical ; their salts**

***p*-Aminobenzoic acid, esters of : their salts**

***β*-Aminopropylbenzene and *β*-aminoisopropylbenzene and any compound structurally derived from either of those substances by substitution in the side chain or by ring closure therein (or by both such substitution and such closure), except ephedrine, *N*-methylephedrine, *N*-diethylaminoethylephedrine, phenylpropanolamine and prenylamine ; any salt of any substance falling within this item**

**Amitriptyline**

**Amyl nitrite**

**Androgenic, oestrogenic and progestational substances, the following:—**

**Benzoestrol**

**Derivatives of stilbene, dibenzyl or naphthalene with oestrogenic activity ; their esters**

**Steroid compounds with androgenic or oestrogenic or progestational activity ; their esters**

**Anileridine ; its salts**

**Anti-histamine substances, the following ; their salts ; their molecular compounds:—**

**Antazoline**

**Bromodiphenhydramine**

**Buclizine**

**Carbinoxamine**

**Chlorcyclizine**

**Chlorpheniramine**

**Cinnarizine**

**Clemizole**

**Cyclizine**

**Cyproheptadine**

**3-Di-*n*-butylaminomethyl-4, 5, 6-trihydroxyphthalide**

**Diphenhydramine**

**Diphenylpyraline**

**Doxylamine**

**Isothipendyl**

**Mebhydrolin**

**Meclozine**

**Phenindamine**

**Pheniramine**

**Phenyltoloxamine**

**Promethazine**

**Pyrrobutamine**

**Thenalidine**

**Tolpropamine**

**Triprolidine**

**Substances being tetra-substituted N derivatives of ethylenediamine or propylenediamine**

**Antimony, chlorides of ; oxides of antimony ; sulphides of antimony ; antimonates ; antimonites ; organic compounds of antimony**

Apomorphine ; its salts

Arsenical substances, the following, except those specified in Part II of this List: halides of arsenic ; oxides of arsenic ; arsenates ; arsenites ; organic compounds of arsenic

Azacyclonol ; its salts

Barbituric acid ; its salts ; derivatives of barbituric acid ; their salts ; compounds of barbituric acid, its salts, its derivatives, their salts, with any other substance

Barium, salts of, other than barium sulphate and the salts of barium specified in Part II of this List

Benactyzine ; its salts

Benzethidine ; its salts

Benzhexol ; its salts

Benzoylmorphine ; its salts

Benztropine and its homologues ; their salts

Benzylmorphine ; its salts

Betameprodine ; its salts

Betaprodine ; its salts

Bromvaletone

Busulphan ; its salts

Butylchloral hydrate

Cannabis (the dried flowering or fruiting tops of *Cannabis sativa* Linn.) ; the resin of cannabis ; extracts of cannabis ; tinctures of cannabis ; cannabin tannate

Cantharidin ; cantharidates

Captodiame ; its salts

Carbachol

Carbromal

Carisoprodol

Carperidine ; its salts

Chloral ; its addition and its condensation products ; their molecular compounds

Chlordiazepoxide ; its salts

Chloroform

Chlorothiazide and other derivatives of benzo-1, 2, 4-thiadiazine-7-sulphonamide 1, 1-dioxide, whether hydrogenated or not

Chlorphenoxamine

Chlorphentermine ; its salts

Chlorpropamide ; its salts

Chlorprothixene

Chlorthalidone

Clonitazene ; its salts

Creosote obtained from wood

Croton, oil of

Cyclarbamate

Cycrimine ; its salts

Dehydroemetine ; its salts

Demecarium bromide

Desipramine ; its salts

Desomorphine ; its salts

Dextromethorphan ; its salts

- Dextromoramide ; its salts**  
**Dextrorphan ; its salts**  
**Diacetylmorphine ; its salts**  
**Diacetylnalorphine ; its salts**  
**Diampromide ; its salts**  
 Diazepam  
**Digitalis, glycosides of ; other active principles of digitalis**  
**Dihydrocodeine ; its salts**  
**Dihydrocodeinone ; its salts ; its esters ; their salts**  
**Dihydromorphine ; its salts ; its esters ; their salts**  
**Dimenoxadole ; its salts**  
**Dimepheptanol ; its salts**  
**Dinitronaphthols ; dinitrophenols ; dinitrothymols**  
**Dioxaphetyl butyrate ; its salts**  
**Diphenoxylate ; its salts**  
**Dipipanone ; its salts**  
**Disulfiram**  
**Dithienylallylamines ; dithienylalkylallylamines ; their salts**  
**Dyflos**  
**Ecothiopate iodide**  
**Ectylurea**  
**Elaterin**  
**Emylcamate**  
**Ergot (the sclerotia of any species of *Claviceps*) ; extracts of ergot ; tinctures of ergot**  
**Erythrityl tetranitrate**  
**Ethchlorvynol**  
**Ethinamate**  
**Ethionamide**  
**Ethoheptazine ; its salts**  
**Ethylmorphine ; its salts**  
**Etonitazene ; its salts**  
**Etoxidine ; its salts**  
**Fentanyl ; its salts**  
**Fluoroacetamide**  
**Fluoroacetanilide**  
**Furethidine ; its salts**  
**Gallamine ; its salts ; its quaternary compounds**  
**Glutethimide ; its salts**  
**Glyceryl trinitrate**  
**Guanidines, the following :—**  
     polymethylene diguanidines ; di-p-anisyl-p-phenetylguanidine  
**Haloperidol**  
**Hexapropymate**  
**Hydrazines, benzyl, phenethyl and phenoxyethyl ; their  $\alpha$ -methyl derivatives ; acyl derivatives of any of the foregoing substances comprised in this item ; salts of any compounds comprised in this item**  
**Hydrocyanic acid ; cyanides ; double cyanides of mercury and zinc**

Hydromorphenol ; its salts  
Hydromorphone ; its salts ; its esters ; their salts  
Hydroxypethidine ; its salts  
Hydroxyzine ; its salts  
Imipramine ; its salts  
Insulin  
Isomethadone (isoamidone) ; its salts  
Ketobemidone ; its salts  
Laudexium ; its salts  
Lead acetates ; compounds of lead with acids from fixed oils  
Levomethorphan ; its salts  
Levomoramide ; its salts  
Levophenacymorphan ; its salts  
Levorphanol ; its salts  
Mannityl hexanitrate  
Mannomustine ; its salts  
Mephenesin ; its esters  
Meprobamate  
Mercaptopurine ; its salts ; **derivatives of mercaptopurine ; their salts**  
Mercury, oxides of ; nitrates of mercury ; mercuric ammonium chlorides ;  
potassio-mercuric iodides ; organic compounds of mercury which contain a  
methyl (CH<sub>3</sub>) group directly linked to the mercury atom ; mercuric oxy-  
cyanides ; mercuric thiocyanate  
Metaxalone  
Metazocine ; its salts  
Metformin ; its salts  
Methadone (amidone) ; its salts  
Methadyl acetate ; its salts  
Methaqualone ; its salts  
Methixene ; its salts  
Methocarbamol  
Methoxsalen  
Methyldesorphine ; its salts  
Methyldihydromorphine ; its salts  
Methylpentynol ; its esters and other derivatives  
1-Methyl-4-phenylpiperidine-4-carboxylic acid, esters of ; their salts  
Methpyrlyone  
Metopon ; its salts  
Monofluoroacetic acid ; its salts  
Morpheridine ; its salts  
Mustine and any other N-substituted derivative of di-(2-chloroethyl) amine ;  
their salts  
Myrophine ; its salts  
Nalorphine ; its salts  
Nicocodine ; its salts  
*m*-Nitrophenol ; *o*-nitrophenol ; *p*-nitrophenol  
Noracymethadol ; its salts

- Norcodeine ; its salts  
Norlevorphanol ; its salts  
Normethadone ; its salts  
Normorphine ; its salts  
Nortryptiline : its salts  
Nux Vomica  
Opium  
Orphenadrine ; its salts  
Orthocaine ; its salts  
Ouabain  
Oxalic acid  
Oxethazaine  
Oxycinchonic acid, derivatives of ; their salts ; their esters  
Oxycodone ; its salts ; its esters ; their salts  
Oxymorphone ; its salts  
Oxyphenbutazone  
Paramethadione  
Pargyline ; its salts  
Pemoline ; its salts  
Phenacemide  
Phenadoxone ; its salts  
Phenaglycodol  
Phenampromide : its salts  
Phenazocine ; its salts  
Phenbutrazate  
Phencyclidine ; its salts  
Phenetidylphenacetin  
Phenformin ; its salts  
Phenols (any member of the series of phenols of which the first member is phenol and of which the molecular composition varies from member to member by one atom of carbon and two atoms of hydrogen) except in substances containing less than sixty per cent., weight in weight, of phenols ; compounds of phenol with a metal, except in substances containing less than the equivalent of sixty per cent., weight in weight, of phenols  
Phenomorphan ; its salts  
Phenoperidine ; its salts  
Phenothiazine, derivatives of ; their salts ; except dimethoxanate, its salts and promethazine, its salts and its molecular compounds  
Phenylbutazone ; its salts  
Phenylcinchoninic acid ; salicylcinchonic acid ; their salts ; their esters  
5-Phenylhydantoin ; its alkyl and aryl derivatives ; their salts  
Pholcodine ; its salts  
Phosphorus, yellow  
Picric acid  
Picrotoxin  
Piminodine ; its salts  
Pituitary gland, the active principles of  
Polymethylenebistrimethylammonium salts

**Procyclidine ; its salts**  
**Proheptazine ; its salts**  
**Promoxolan**  
**Propoxyphene ; its salts**  
**Propylhexedrine ; its salts**  
**Prothipendyl ; its salts**  
**Quinethazone**  
**Racemethorphan ; its salts**  
**Racemoramide ; its salts**  
**Racemorphan ; its salts**  
**Savin, oil of**  
**Strophanthus ; glycosides of strophanthus**  
**Styramate**  
**Sulphinpyrazone**  
**Sulphonal ; alkyl sulphonals**  
**Suprarenal gland medulla, the active principles of ; their salts**  
**Syrosingopine**  
**Tetrabenazine ; its salts**  
**Thalidomide ; its salts**  
**Thallium, salts of**  
**Thebacon ; its salts ; its esters ; their salts**  
**Thyroid gland, the active principles of ; their salts**  
**Tolbutamide**  
**Tretamine ; its salts**  
**Triaziquone**  
**Tribromethyl alcohol**  
**2, 2, 2-Trichloroethyl alcohol, esters of ; their salts**  
**Trimeperidine ; its salts**  
**Trimipramine ; its salts**  
**Troxidone**  
**Zoxazolamine ; its salts**

## PART II

### Ammonia

Arsenical substances, the following:—

Arsenic sulphides  
 Arsenious oxide  
 Calcium arsenates  
 Calcium arsenites  
 Copper acetoarsenite  
 Copper arsenates  
 Copper arsenites  
 Lead arsenates  
 Potassium arsenites  
 Sodium arsenates  
 Sodium arsenites  
 Sodium thioarsenates

Barium, salts of, the following:—

Barium carbonate  
 Barium silicofluoride

Diamines, the following ; their salts:—

phenylene diamines ; tolylene diamines ; other alkylated-benzene diamines  
Dinitrocresols (DNOC) ; their compounds with a metal or a base

Dinosam ; its compounds with a metal or a base

Dinoseb ; its compounds with a metal or a base

Endosulfan

Endothal ; its salts

Endrin

Formaldehyde

Formic acid

Hydrochloric acid

Hydrofluoric acid ; potassium fluoride ; sodium fluoride ; sodium silicofluoride

Mercuric chloride ; mercuric iodide ; organic compounds of mercury except compounds which contain a methyl (CH<sub>3</sub>) group directly linked to the mercury atom

Metallic oxalates

Nicotine ; its salts

Nitric acid

Nitrobenzene

Phenols as defined in Part I of this List in substances containing less than sixty per cent., weight in weight, of phenols ; compounds of phenol with a metal in substances containing less than the equivalent of sixty per cent., weight in weight, of phenols

Phosphorus compounds, the following:—

Amiton, azinphos-ethyl, azinphos-methyl, demeton-O, demeton-S, demeton-O-methyl, demeton-S-methyl, diethyl 4-methyl-7-coumarinyl phosphorothionate, diethyl *p*-nitro-phenyl phosphate, dimefox, disulfoton, ethion, ethyl *p*-nitrophenyl phenyl-phosphonothionate, mazidox, mecarbam, mevinphos, mipafox, oxydemeton-methyl, parathion, phenkapton, phorate, phosphamidon, schradan, sulfotep, TEPP (HETP), triphosphoric pentadimethylamide, vamidothion

Potassium hydroxide

Sodium hydroxide

Sodium nitrite

Sulphuric acid

Zinc phosphide

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order adds certain substances to Part I of the Poisons List, the substances added being set out in paragraphs (b), (d) and (f) of Schedule 1 ; certain changes of nomenclature are effected (Schedule 1, paragraphs (a), (c), (e) and (g)). The complete list as amended by this Order is set out in Schedule 2, the poisons which appear in Part I of the list for the first time or under a new name being printed in **heavy type**.

1964 No. 1437

**POISONS****The Poisons (No. 2) Rules 1964**

*Made* - - - - - 7th September 1964  
*Laid before Parliament* 16th September 1964  
*Coming into Operation* 1st October 1964

In pursuance of section 23 of the Pharmacy and Poisons Act 1933(a), on the recommendation of the Poisons Board I hereby make the following Rules:—

1. The Poisons Rules 1964(b) shall have effect subject to the amendments specified in the Schedule to these Rules.

2. These Rules may be cited as the Poisons (No. 2) Rules 1964 and shall come into operation on 1st October 1964.

*Henry Brooke,*  
 One of Her Majesty's Principal  
 Secretaries of State.

Home Office,  
 Whitehall.  
 7th September 1964.

**SCHEDULE****MISCELLANEOUS AMENDMENTS TO THE POISONS RULES 1964**

1. In Rule 24(1) (which relates to containers) for the word "person" there shall be substituted the word "poison".
2. In Schedule 1 (which specifies poisons to which special restrictions apply)—
  - (a) for the item "Mercaptopurine; its salts" there shall be substituted the item "Mercaptopurine; its salts; derivatives of mercaptopurine; their salts";
  - (b) the item "N-[2-(N-Methylphenethylamino) propyl] propionanilide; its salts" shall be omitted, and after the item "Diacetylnalorphine; its salts" there shall be inserted the item "Diampromide; its salts" (being a different description of the same substances);
  - (c) for the item "Tri-(1-aziridinyl)-1, 4-benzoquinone" there shall be substituted the item "Triaziquone" (being a different name for the same substance).
3. In Schedule 4 (which specifies the poisons which may be sold by retail only upon a prescription)—
  - (a) in Part A, for the item "Mercaptopurine; its salts" there shall be substituted the item "Mercaptopurine; its salts; derivatives of mercaptopurine; their salts";



- 
- (b) in Part A, for the item "Tri-(1-aziridiny)-1, 4-benzoquinone" there shall be substituted the item "Triaziquone" (being a different name for the same substance);
- (c) in Part B, in the item beginning with the word "Cycrimine" the formula set out in parenthesis after the said word shall be omitted;
- (d) in Part B, after the item "Ethinamate" there shall be inserted the item "Ethionamide";
- (e) in Part B, the item "4-Hydroxymethyl-2, 2-diisopropyl-1, 3-dioxolan" shall be omitted, and after the item "Procyclidine; its salts" there shall be inserted the items "Promoxolan" (being a different name for the same substance) and "Propylhexedrine; its salts; except when contained in inhalers";
- (f) in Part B, in the item "Prothypendyl; its salts" for the word "Prothypendyl" there shall be substituted the word "Prothipendyl".
- 

#### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

The principal amendments effected by these Rules impose appropriate requirements and restrictions in regard to substances now added to the Poisons List by the Poisons List (No. 2) Order 1964 (S.I. 1964/1436). In addition, certain changes in nomenclature or spelling (paragraphs 2(b) and (c) and 3(b), (e) and (f) of the Schedule) have been made.

1964 No. 1445

**WAGES COUNCILS**
**The Wages Regulation (Rope, Twine and Net) (No. 2)  
Order 1964**

*Made* - - - - - 8th September 1964

*Coming into Operation* 28th September 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Rope, Twine and Net Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto :

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Rope, Twine and Net) (No. 2) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 28th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Rope, Twine and Net) Order 1964(c), shall cease to have effect.

Signed by order of the Minister of Labour 8th September 1964.

*W. S. I. Whitelaw,*  
Parliamentary Secretary,  
Ministry of Labour.

**SCHEDULE**

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Rope, Twine and Net) Order 1964 (Order R. (139)).

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(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1964/667 (1964 II, p. 1254).

## STATUTORY MINIMUM REMUNERATION

### PART I

#### GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—
- (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;
  - (2) in the case of a worker employed on piece work—
    - (a) where a general minimum piece rate applies under Part II of this Schedule, that piece rate increased by 11 per cent., or
    - (b) where no general minimum piece rate applies, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part II or Part III of this Schedule.

#### DEFINITIONS

2. In this Schedule, unless the context otherwise requires,

(1) *SHIFT WORKER* means a worker employed on a shift system in accordance with which—

- (a) a 24-hour period is divided into two or more shifts, one of which is a night shift ; or
- (b) there is no night shift and the remainder of the day is divided into two or more shifts ;

and for the purposes of this definition *NIGHT SHIFT* means a turn of duty which includes some period of employment between 10 p.m. on one day and 6 a.m. on the next following day.

(2) *HARD FIBRES* mean manila, sisal, maguey fibre, New Zealand hemp or coir or a mixture thereof ;

*SHRINK NETTING* means that the netting is made by shrinking or gaining, that is to say, the process of putting two meshes into one mesh or vice versa in order to obtain the required taper, shrink or gain ;

*PLAIN NETTING* is ordinary braiding, single selvedge, the net mesh when straight hanging diamond ;

*A RAN SHORT REEL* is the amount of twine wound on a reel 69 inches in circumference in 400 revolutions or 766½ yards ;

*SIZE OF MESH* means in the case of all nets, other than the stack nets referred to in paragraph 10, the total length of two adjacent sides of the mesh, measured from the inside of one knot to the outside of the other.

### PART II

#### NET SECTION OF THE TRADE

3. This Part of this Schedule applies to workers in the Net Section of the Trade.

**GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS  
TIME RATES**

4. The general minimum time rates payable to the male or female workers specified in Column 1 of the next following Table are the rates set out in Column 2 and the piece work basis time rates applicable to such workers, when employed on piece work with the materials specified in Column 3 or 4 as the case may be, are the rates set out in Column 3 or 4 respectively.

Column 1	General minimum time rates	Piece work basis time rates		
		Fibres other than man-made fibres of continuous filament	Man-made fibres of continuous filament	
Column 1	Column 2	Column 3	Column 4	
	Per hour s. d.	Per hour s. d.	Per hour s. d.	
<b>MALE WORKERS other than shift workers</b> (including home-workers) being aged—				
21 years or over ... ..	4 2½	} 4 3½		
20 and under 21 years ... ..	3 11½			
19 " " 20 " ... ..	3 6½			
18 " " 19 " ... ..	3 3			
17 " " 18 " ... ..	2 7½			
16 " " 17 " ... ..	2 1½			
under 16 years ... ..	1 8			
<b>FEMALE WORKERS other than shift workers</b> (including home-workers) being aged				
18 years or over ... ..	3 0½	} 3 1½		3 6
17½ and under 18 years ... ..	2 7½			
17 " " 17½ " ... ..	2 3½			
16½ " " 17 " ... ..	2 1			
16 " " 16½ " ... ..	1 9½			
under 16 years ... ..	1 8			
<b>MALE SHIFT WORKERS, when employed on</b> <i>day shifts, being aged—</i>				
21 years or over ... ..	4 9	} 4 10½		
20 and under 21 years ... ..	4 5½			
19 " " 20 " ... ..	4 0			
18 " " 19 " ... ..	3 8			
17 " " 18 " ... ..	2 11½			
16 " " 17 " ... ..	2 4½			
<b>FEMALE SHIFT WORKERS, when employed on</b> <i>day shifts, being aged—</i>				
18 years or over ... ..	3 5½	} 3 6		3 11½
17½ and under 18 years ... ..	2 11½			
17 " " 17½ " ... ..	2 7			
16½ " " 17 " ... ..	2 4½			
16 " " 16½ " ... ..	2 0½			
<b>MALE SHIFT WORKERS, when employed on</b> <i>night shifts, being aged—</i>				
21 years or over ... ..	5 0½	} 5 2½		
20 and under 21 years ... ..	4 9			
19 " " 20 " ... ..	4 3			
18 " " 19 " ... ..	3 10½			

**GENERAL MINIMUM PIECE RATES  
MAKING COTTON NORSELLS**

5. The general minimum piece rates payable per pound to female home-workers for making cotton norsells are as follows:—

11 inches and upwards:—

		s.	d.			s.	d.
32s/18 ply norsells	...	11	2	32s/36 ply norsells	...	4	9
32s/21 " "	...	9	3	32s/42 " "	...	3	9½
32s/24 " "	...	7	4½	32s/48 " "	...	3	5½
32s/27 " "	...	6	6½	32s/54 " "	...	3	1½
32s/30 " "	...	5	7	32s/60 " "	...	2	8½

**MAKING HEMP NORSELLS**

6. The general minimum piece rates payable per 1,000 to female home-workers for making hemp norsells are as follows:—

		Natural Colour	Tanned			Natural Colour	Tanned
		s. d.	s. d.			s. d.	s. d.
18 inch	...	5 7	6 7½	36 inch	...	9 6	11 2
20 "	...	5 8	6 9½	42 "	...	10 9½	12 4½
22 "	...	5 11	7 1	48 "	...	12 4½	13 10½
24 "	...	6 8½	7 6½				

**HANDBRAIDING, HANDKNOTTING OR HANDBAITING NETS FROM  
FIBRES NOT BEING HARD FIBRES OR MAN-MADE FIBRES OF  
CONTINUOUS FILAMENT**

**NETS MADE FROM SINGLE TWINE**

- 7.—(1) The general minimum piece rates set out in the next following Table are per dozen rans short reel or per 9,200 yards and are payable, subject to the provisions of this paragraph, to female home-workers employed on hand-braiding, handknotting or handbaiting nets made from single twine (of sizes up to and including 36 lbs. per dozen rans short reel or per 9,200 yards) from fibres not being hard fibres or man-made fibres of continuous filament.
- (2) The length of the nets referred to in Columns 3 to 8 inclusive of the said Table is the length measured by stretched mesh or through the hand.
- (3) Where the twine is of a size larger than 36 lbs. per dozen rans short reel or per 9,200 yards the general minimum piece rates payable to the said workers are the rates set out in the said Table increased as follows:—

Size of Twine	Additions s. d.
Over 36 lbs. and up to and including 48 lbs. ...	10 1
" 48 " " " " " " " 60 " ...	20 4
" 60 " " " " " " " 84 " ...	31 4
" 84 " " " " " " " 96 " ...	32 0
" 96 " " " " " " " 108 " ...	36 0
" 108 " " " " " " " 120 " ...	42 0
" 120 " " " " " " " 132 " ...	48 0
" 132 " " " " " " " 144 " ...	54 0
" 144 " " " " " " " 156 " ...	60 0
" 156 " ...	66 0

- (4) Where the work is double knotted work, the general minimum piece rates payable to the said workers shall be one and two-thirds times the rates payable for single knotted work.

TABLE OF PIECE RATES

Twines of sizes up to and including 36 lbs. per dozen rans short reel or per 9,200 yards

Size of mesh	Plain netting Column 1	Shrink or square mesh work irrespective of numbers of meshes begun or ended (single or double selvedge) and plain netting with double selvedge Column 2	Netting braided in the form of a hose or bag, including shrimp and landing nets, billiard table pockets and other fancy nets							
			Length 30 inches and over Column 3	Length 20 inches and over but under 30 inches Column 4	Length 15 inches and over but under 20 inches Column 5	Length 10 inches and over but under 15 inches Column 6	Length 5 inches and over but under 10 inches Column 7	Length 5 inches under Column 8		
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
Over 7 inch	88 5½	93 0½	97 7	111 10½	123 5	147 10	158 11	166 10½	175 2½	
5 inch and over up to and including 7 inch	92 7½	97 6	101 11½	117 3	128 11	147 10	167 7½	175 11½	184 9	
4 inch and over up to but not including 5 inch	99 8½	105 0½	109 10	126 3½	138 11	155 11	175 8½	184 5½	193 8	
Over 18 and up to and including 21	106 3	111 2½	116 10	134 5	147 10	166 10½	184 7	193 8	203 4	
" 21	111 9½	117 4½	123 3	141 9	155 11	171 6½	184 5½	193 7½	202 5½	
" 24	117 4½	123 3	129 2½	148 7	163 5½	179 2½	192 9½	202 5½	212 7	
" 27	123 3	129 6	135 7½	155 11½	171 6½	187 4½	201 2½	211 3	221 0	
" 30	128 7½	135 3½	141 9½	163 0½	179 2½	194 11	209 6	220 0	231 0	
" 33	134 6	141 6	147 11½	171 1½	189 2½	194 11	218 3	229 1½	240 8	
" 36	140 1½	146 10½	154 1	177 2½	194 11	203 0½	226 4	240 8	259 2½	
" 39	145 11½	152 11	160 6	184 7	203 0½	210 6½	226 4	240 8	259 2½	
" 42	151 3½	158 10	166 5	191 5	210 6½	218 9	235 1½	246 10½	278 1½	
" 45	157 2½	164 11½	172 11	198 10	218 9	234 8	252 3	264 10½	296 5½	
" 48	168 4	176 11½	185 6	213 4	234 8	250 2½	268 11½	282 5	315 5	
" 54	179 10	188 10½	197 9½	227 5½	250 2½	266 2½	286 1½	300 5	333 10½	
" 60	191 1	200 11	210 5	241 11	266 2½	281 8½	302 10	317 11½	352 5½	
" 66	202 6	212 3½	222 8½	256 0½	281 8½	297 4½	319 8	335 8	371 3	
" 72	213 9	224 4	235 1	270 4	297 4½	313 3	336 9	353 7	390 2	
" 78	225 3	236 4½	247 7½	284 9	313 3	329 2	353 10½	371 7	408 8½	
" 84	236 4½	248 3	260 3	299 3	329 2	344 10	370 8½	389 3	424 8	
" 90	247 7	260 2½	272 7½	313 6	344 10	376 1½	404 5	424 8	445 11	
" 96	270 5	283 10	297 5	342 0½	376 1½	407 6	438 1	459 11½	482 11½	
" 108	292 11½	307 10	322 1½	370 5	407 6	439 6½	472 6	496 1½	520 11	
" 120	315 9	331 5½	347 5½	399 7	439 6½	471 1	506 5	531 9	558 4	
" 132	338 6	355 2	372 5	428 3	471 1	518 5½	557 4	585 2½	614 4½	
" 144	372 5	390 9	409 10	471 4	518 5½	557 4	585 2½	614 4½		

## NETS MADE FROM DOUBLE OR TREBLE TWINE

8. The general minimum piece rates payable to female home-workers employed on handbraiding, handknottng or handbaiting nets made from double or treble twine from fibres not being hard fibres or man-made fibres of continuous filament are respectively three-quarters and two-thirds of the general minimum piece rates which would be payable under paragraph 7 if the nets were made from single twine.

## HANDBRAIDING OF TRAWL, SEINE OR OTHER NETS FROM HARD FIBRES

- 9.—(1) The general minimum piece rates set out in the next following Table are per lb. of twine and are payable, subject to the provisions of this paragraph, to female workers (including home-workers) employed in the handbraiding of trawl, seine or other nets (other than stack nets to which paragraph 10 applies) from hard fibres.
- (2) The general minimum piece rates set out in the said Table are payable where the needles are filled at the expense of the worker. Where the needles are filled at the expense of the employer, the said rates shall be reduced by ten per cent.
- (3) Where a net section contains meshes of more than one size, the general minimum piece rate payable for the whole section is that for a mesh size ascertained by a weighted average arrived at as follows: Multiply the number of rows of each separate mesh size by the size of the mesh, add the product, and divide the result by the total number of rows in the net section.

For example: The belly of a new trawl net consisting of 75 rows of 3-inch mesh, 50 rows of 4-inch mesh, 25 rows of 5-inch mesh: Calculation of weighted average mesh—

$$\begin{array}{r} 75 \times 3 = 225 \\ 50 \times 4 = 200 \\ 25 \times 5 = 125 \\ \hline 150 \quad 550 \end{array} \left. \vphantom{\begin{array}{r} 75 \times 3 = 225 \\ 50 \times 4 = 200 \\ 25 \times 5 = 125 \\ \hline 150 \quad 550 \end{array}} \right\} \text{Weighted average mesh size} = \frac{550}{150} = 3\frac{2}{3} \text{ inches.}$$

The whole net section must be paid for as though the mesh was  $3\frac{2}{3}$  inches throughout, viz., under Col. 8 of the said Table.

TABLE OF PIECE RATES

Size of mesh	Col. 1		Col. 2		Col. 3		Col. 4		Col. 5		Col. 6	
	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
less than and not less than	2 in.	—	2½ in.	2 in.	2½ in.	2½ in.	2½ in.	2½ in.	3 in.	2½ in.	3 in.	3 in.
Twine used as	S. = Single D. = Double		S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
Twine sizes:—	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Up to and including 60 yds. per lb.	4 11½	3 4½	3 2½	2 3	2 9½	1 11½	2 5½	1 8½	2 1½	1 6	1 9½	1 3½
Over 60 up to and including 75 yds. per lb.	5 3½	3 6½	3 5½	2 4½	2 11½	2 0½	2 6½	1 9½	2 2½	1 6½	1 10½	1 3½
75	5 8½	3 9½	3 8	2 5½	3 2½	2 2½	2 8½	1 10½	2 4½	1 8½	2 0½	1 5½
90	6 1½	4 1	3 11½	2 7½	3 4½	2 3½	2 11½	2 0½	2 6½	1 8½	2 2½	1 6½
105	6 7½	4 5	4 3½	2 10	3 7½	2 4½	3 2½	2 1½	2 8½	1 10½	2 4½	1 7½
120	7 2½	4 9½	4 8½	3 1½	3 11½	2 6½	3 5½	2 3½	2 11½	1 11½	2 7½	1 9
135	7 11½	5 2½	5 17½	3 4½	4 4½	2 10½	3 8½	2 5½	3 2½	2 17½	2 9½	1 11
150	8 9½	5 8	5 8½	3 9	4 10½	3 3	4 1½	2 8½	3 6½	2 4½	3 1½	2 1
165	9 8½	6 3½	6 3½	4 1½	5 5½	3 6½	4 6½	3 0½	3 11½	2 7½	3 5½	2 3½
180	10 11	6 11½	7 0½	4 6½	6 1½	3 11½	5 1½	3 4½	4 5½	2 10½	3 10½	2 6½
195	12 3½	7 8½	7 10½	5 0½	6 10½	4 4½	5 9½	3 9½	5 1½	3 3½	4 5½	2 10½
210	15 3½	9 6½	9 9½	6 2½	8 5½	5 4½	7 2½	4 8½	6 3½	4 0	5 7	3 7



Size of mesh { less than and not less than	Col. 7		Col. 8		Col. 9		Col. 10		Col. 11		Col. 12	
	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
Twine used as { S. = Single D. = Double	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
Twine sizes:—	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Up to and including 60 yds. per lb. ...	1 6½	1 0½	1 4½	11½	1 3½	10½	1 2½	10	1 1½	9½	1 0½	8½
Over 60 up to and including 75 yds. per lb. ...	1 7½	1 1½	1 6	1 0½	1 4½	11½	1 3½	10½	1 2½	10½	1 2½	9½
" 75 " " 90 " " ...	1 9	1 2½	1 7	1 1½	1 5½	1 0½	1 4½	11½	1 4½	11½	1 3½	10½
" 90 " " 105 " " ...	1 11	1 3½	1 9	1 2½	1 7½	1 1½	1 6½	1 0½	1 5½	1 0½	1 4½	11½
" 105 " " 120 " " ...	2 0½	1 5½	1 11	1 3½	1 9½	1 2½	1 8½	1 1½	1 7½	1 1½	1 6½	1 0½
" 120 " " 135 " " ...	2 2½	1 6½	2 1½	1 5½	1 11½	1 4½	1 10½	1 3½	1 9½	1 2½	1 8½	1 2½
" 135 " " 150 " " ...	2 5½	1 8½	2 3½	1 7½	2 2½	1 6½	2 1	1 5½	2 0½	1 4½	1 11½	1 3½
" 150 " " 165 " " ...	2 9½	1 10½	2 6½	1 9	2 4½	1 7½	2 3½	1 7½	2 2½	1 6½	2 1½	1 6
" 165 " " 180 " " ...	3 0½	2 0½	2 10	1 11	2 7½	1 10	2 6½	1 9	2 5½	1 8½	2 4½	1 8½
" 180 " " 195 " " ...	3 5½	2 3½	3 2½	2 1½	3 0½	2 0½	2 10½	1 11½	2 9½	1 10½	2 7½	1 9½
" 195 " " 210 " " ...	3 10½	2 6½	3 7½	2 4½	3 4½	2 3½	3 3½	2 2½	3 1½	2 1½	3 0½	2 0½
" 210 " " 255 " " ...	4 11½	3 2½	4 6	2 11½	4 2½	2 10½	4 1	2 8½	3 10½	2 7½	3 9	2 6½

Size of mesh less than and not less than	Col. 13		Col. 14		Col. 15		Col. 16		Col. 17		Col. 18	
	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
5 in.			5½ in.		5½ in.		5½ in.		6 in.			—
4½ in.			5 in.		5½ in.		5½ in.		5½ in.			6 in.
Twine used as { S. = Single D. = Double }	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.	S.	D.
Twine sizes:—	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Up to and including 60 yds. per lb.	1 0½	8½	11½	8½	11½	8½	11½	8	11½	8	11½	7½
Over 60 up to and including 75 yds. per lb.	1 1½	9½	1 1½	9½	1 0½	8½	1 0½	8½	1 0½	8½	1 1½	8½
" 75 "	1 2½	10½	1 2½	10	1 1½	9½	1 1½	9½	1 1½	9½	1 0½	8½
" 90 "	1 4½	11½	1 3½	10½	1 3½	10½	1 3½	10½	1 2½	10½	1 2½	10
" 105 "	1 6½	1 0½	1 5½	1 0½	1 5½	1 1½	1 4½	1 1½	1 4½	1 4½	1 3½	10½
" 120 "	1 8½	1 1½	1 7½	1 1½	1 7	1 0½	1 6½	1 0½	1 6½	1 6½	1 6	1 0½
" 135 "	1 10½	1 3½	1 10½	1 2½	1 9½	1 2½	1 8½	1 2½	1 8½	1 2½	1 8½	1 1½
" 150 "	2 1	1 5½	2 0½	1 4½	1 11½	1 4½	1 11½	1 3½	1 10½	1 3½	1 10½	1 3½
" 165 "	2 3½	1 7½	2 2½	1 6½	2 2½	1 6½	2 2	1 6	2 1½	1 5½	2 1	1 5½
" 180 "	2 7½	1 9	2 6	1 8½	2 4½	1 8½	2 4½	1 7½	2 4½	1 7½	2 3½	1 7½
" 195 "	2 10½	1 11½	2 9½	1 11	2 8	1 10½	2 7½	1 9½	2 7½	1 9½	2 6½	1 9½
" 210 "	3 6½	2 5½	3 5½	2 4½	3 3½	2 3½	3 2½	2 2½	3 1½	2 1½	2 11½	2 1

## HANDBRAIDING OF STACK NETS

10.—(1) The general minimum piece rates set out in the next following Table are payable to female workers (including home-workers) employed in the handbraiding of stack nets and shall apply to the making by hand of all such nets irrespective of the method of manufacture and the type of material used.

(2) The general minimum piece rates set out in the said Table are payable where the needles are filled at the expense of the worker. Where the needles are filled at the expense of the employer, the said rates shall be reduced by ten per cent.

TABLE OF PIECE RATES

Diamond mesh throughout		Square mesh throughout	
Size of mesh	Per dozen meshes	Size of mesh	Per square yard
	d.		d.
		Less than 6 ins. ... ..	$1\frac{1}{4}$
		Not less than 6 ins. but less than 7 ins. ... ..	$1\frac{1}{8}$
Less than 16 ins. ... ..	1	Not less than 7 ins. but less than 8 ins. ... ..	$1\frac{1}{4}$
Not less than 16 ins. but less than 18 ins. ... ..	$1\frac{1}{8}$	Not less than 8 ins. but less than 9 ins. ... ..	$1\frac{1}{8}$
Not less than 18 ins. but less than 20 ins. ... ..	$1\frac{1}{8}$	Not less than 9 ins. but less than 10 ins. ... ..	$1\frac{1}{4}$
Not less than 20 ins. but less than 22 ins. ... ..	$1\frac{9}{16}$	Not less than 10 ins. but less than 11 ins. ... ..	$1\frac{1}{8}$
Not less than 22 ins. but less than 24 ins. ... ..	$1\frac{1}{4}$	Not less than 11 ins. but less than 12 ins. ... ..	$1\frac{1}{8}$
Not less than 24 ins. but less than 26 ins. ... ..	2	Not less than 12 ins. but less than 13 ins. ... ..	$\frac{7}{8}$
Not less than 26 ins. but less than 28 ins. ... ..	$2\frac{1}{4}$	Not less than 13 ins. but less than 14 ins. ... ..	$\frac{11}{16}$
28 ins. and over ... ..	$2\frac{1}{8}$	14 ins. and over ... ..	$\frac{1}{4}$

(3) For the purposes of this paragraph—

(a) Square yardage shall be calculated by multiplying in feet the length by the breadth of the net and dividing the result by nine.

(b) SIZE OF MESH is—

(i) in the case of diamond mesh, the total length of two adjacent sides of the mesh measured from the inside of one knot to the outside of the other ;

(ii) in the case of square mesh, the length of one side of the mesh measured from the inside of one knot to the outside of the other.

## PART III

## SECTIONS OF THE TRADE OTHER THAN THE NET SECTION

11. This Part of this Schedule applies to workers in any section of the Trade other than the Net Section.

**GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS  
TIME RATES**

12. The general minimum time rates payable to the male or female workers specified in Column 1 of the next following Table are the rates set out in Column 2 and the piece work basis time rates applicable to such workers when employed on piece work are the rates set out in Column 3 :—

	General minimum time rates	Piece work basis time rates
Column 1	Column 2	Column 3
	Per hour s. d.	Per hour s. d.
<b>MALE WORKERS <i>other than shift workers</i></b> <b>(including home-workers) being aged—</b>		
21 years or over ... ..	4 3	} 4 4½
20 and under 21 years ... ..	4 0	
19 " " 20 " ... ..	3 7	
18 " " 19 " ... ..	3 3	
17 " " 18 " ... ..	2 7½	
16 " " 17 " ... ..	2 1½	
under 16 years ... ..	1 8	
<b>FEMALE WORKERS <i>other than shift workers</i></b> <b>(including home-workers) being aged—</b>		
18 years or over ... ..	3 1	} 3 1½
17½ and under 18 years ... ..	2 7½	
17 " " 17½ " ... ..	2 3½	
16½ " " 17 " ... ..	2 1	
16 " " 16½ " ... ..	1 9½	
under 16 years ... ..	1 8	
<b>MALE SHIFT WORKERS, when employed on day shifts, being aged—</b>		
21 years or over ... ..	4 9½	} 4 10½
20 and under 21 years ... ..	4 6	
19 " " 20 " ... ..	4 0½	
18 " " 19 " ... ..	3 8	
17 " " 18 " ... ..	2 11½	
16 " " 17 " ... ..	2 4½	
<b>FEMALE SHIFT WORKERS, when employed on day shifts, being aged—</b>		
18 years or over ... ..	3 5½	} 3 6½
17½ and under 18 years ... ..	2 11½	
17 " " 17½ " ... ..	2 7	
16½ " " 17 " ... ..	2 4½	
16 " " 16½ " ... ..	2 0½	
<b>MALE SHIFT WORKERS, when employed on night shifts, being aged—</b>		
21 years or over ... ..	5 1½	} 5 2½
20 and under 21 years ... ..	4 9½	
19 " " 20 " ... ..	4 3½	
18 " " 19 " ... ..	3 10½	

**PART IV**

**ALL SECTIONS OF THE TRADE  
OVERTIME AND WAITING TIME**

13. This Part of this Schedule applies to a worker in any section of the Trade, not being—

- (1) a home-worker employed in the net section on piece work or
- (2) a female home-worker employed in a section other than the net section.

## MINIMUM OVERTIME RATES

14.—(1) Subject to the provisions of sub-paragraph (2) of this paragraph, minimum overtime rates are payable to any worker to whom this Part of this Schedule applies as follows:—

(a) on any day other than a Saturday, Sunday or a customary holiday—

- (i) for the first two hours worked in excess of  
8½ hours ... .. time-and-a-quarter  
(ii) thereafter ... .. time-and-a-half

Provided that where the worker normally attends on five days only in the week, the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 8½ and 10½ hours' work respectively.

(b) on a Saturday, not being a customary holiday—

for all time worked in excess of 3½ hours ... time-and-a-half

Provided that where the worker normally attends on five days only in the week, the following minimum overtime rates shall apply—

- (i) for the first two hours worked ... .. time-and-a-quarter  
(ii) thereafter ... .. time-and-a-half

(c) on a Sunday or a customary holiday—

for all time worked ... .. double time

(2) Where the employer and the worker by agreement in writing fix in respect of each weekday the number of hours after which a minimum overtime rate shall be payable and the total number of such hours amounts to 42½ weekly, the following minimum overtime rates shall be payable in substitution for those set out in sub-paragraph (1) of this paragraph:—

(a) on any day other than a Saturday, Sunday or a customary holiday—

- (i) for the first two hours worked in excess of the  
agreed number of hours ... .. time-and-a-quarter  
(ii) thereafter ... .. time-and-a-half

(b) on a Saturday, not being a customary holiday—

for all time worked in excess of the agreed  
number of hours ... .. time-and-a-half

Provided that where the said agreement provides that Saturday shall not normally be a working day, the following minimum overtime rates shall apply—

- (i) for the first two hours worked ... .. time-and-a-quarter  
(ii) thereafter ... .. time-and-a-half

(c) on a Sunday or a customary holiday—

for all time worked ... .. double time

15. In this Part of this Schedule,

(1) The expression "customary holiday" means:—

(a) (i) In England and Wales:—

Good Friday, Easter Monday, Whit Monday, August Bank Holiday (or, in the case of August Bank Holiday, such day, other than a weekly short day, as may be substituted therefor by the employer, being a day which is by local custom recognised as a day of holiday and which falls within three months of the day for which it is substituted), Christmas Day (or if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday) and Boxing Day;

## (ii) In Scotland:—

The New Year's holidays (2 days),  
 The local Spring holiday (1 day),  
 The local Autumn holiday (1 day) and

two other weekdays (being days upon which the worker normally attends for work) in the course of a calendar year, to be fixed by the employer and notified to the workers not less than three weeks before the holiday;

or (b) in the case of each of the said days, such weekday falling between 1st April and 30th September as may be substituted therefor by agreement between the employer and the workers.

## (2) The expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively:—

(a) in the case of a time worker employed in any section of the trade, one and a quarter times, one and a half times and twice the general minimum time rate otherwise payable to the worker;

(b) in the case where a piece work basis time rate is otherwise applicable to a piece worker employed in any section of the trade,

(i) a time rate equal respectively to one quarter, one half and the whole of the said piece work basis time rate, and, in addition thereto,

(ii) the piece rates otherwise applicable under paragraph 1(2);

(c) in the case where a general minimum piece rate is otherwise payable to a piece worker employed in the net section of the trade on hand net braiding, knotting or baiting,

(i) a time rate equal respectively to one quarter, one half and the whole of the piece work basis time rate which would be applicable to a female worker under the provisions of paragraph 4 if a minimum overtime rate did not apply and, in addition thereto,

(ii) the said general minimum piece rate.

## WAITING TIME

16.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances:—

(a) without the employer's consent, express or implied;

(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;

(c) by reason only of the fact that he is resident thereon;

(d) during normal meal times in a room or place in which no work is being done and he is not waiting for work to be given to him to perform.

(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

## PART V

## APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

17. This Schedule applies to workers in relation to whom the Rope, Twine and Net Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the branches of work specified in the Schedule to the Trade Boards (Rope, Twine and Net Trade, Great Britain) (Constitution and Proceedings) Regulations 1933(a), but excluding therefrom the splicing or braiding of rope, cord or twine performed by hand or machine when

incidental to, or carried on in association with or in conjunction with, the operations specified in paragraphs 1 and 2 of the Appendix to the Trade Boards (Made-up Textiles) Order 1920(a), or any other processes or operations which are specifically mentioned in the said Appendix.

The Schedule to the said Regulations reads as follows:—

“The Rope, Twine and Net Trade, that is to say—

- (1) The making or re-making of (a) rope (including driving rope and banding), (b) cord (including blind and window cord, but excluding silk, worsted and other fancy cords), (c) core for wire-ropes, (d) lines, (e) twine (including binder and trawl twine), (f) lanyards, (g) net and similar articles.
- (2) The bleaching, teasing, hackling, carding, preparing and spinning of the materials required for the making or re-making of any of the articles (a) to (g) above when carried on in the same factory or workshop as such making or re-making.
- (3) The manufacture of packings, gaskins, and spun yarns, when carried on in the same factory or workshop as the making or re-making of any of the articles (a) to (g) above.
- (4) The braiding or splicing of articles made from rope, cord, twine or net.
- (5) The mending of nets and the winding, twisting, doubling, laying, polishing, dressing, tarring, tanning, dyeing, balling, reeling, finishing, packing, despatching, warehousing and storing of any of the above articles, where these operations or any of them are carried on in a factory or workshop in which any of the articles (a) to (g) above are made or re-made;

but excluding the making of wire rope (unless made in the same factory or workshop as hemp or similar rope or core for wire rope), and also excluding the making of net in connection with the lace-curtain trade and the weaving of cloth.”

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 28th September 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Rope, Twine and Net) Order 1964 (Order R. (139)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1920/1901 (1920 II, p. 782).

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 STATUTORY INSTRUMENTS
 

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1964 No. 1446

**WAGES COUNCILS**

**The Wages Regulation (Rope, Twine and Net) (Holidays)  
Order 1964**

*Made - - - - 8th September 1964*  
*Coming into Operation 28th September 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Rope, Twine and Net Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Rope, Twine and Net) (Holidays) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 28th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961(c), shall cease to have effect.

Signed by order of the Minister of Labour 8th September 1964.

*W. S. I. Whitelaw,*  
Parliamentary Secretary,  
Ministry of Labour.

**SCHEDULE**

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961(c) (hereafter in this Order referred to as "Order R. (130)") as amended by Schedule 2 to the Wages Regulation (Rope, Twine and Net) Order 1964(d) (Order R. (139)).

(a) 7 & 8 Eliz. 2. c. 69.

(c) S.I. 1961/1637 (1961 II, p. 3301).

(b) 52 & 53 Vict. c. 63.

(d) S.I. 1964/667 (1964 II, p. 1254).



**PART I**  
**APPLICATION**

1. This Schedule applies to every worker (other than a home-worker) for whom statutory minimum remuneration has been fixed.

**PART II**  
**CUSTOMARY HOLIDAYS**

- 2.—(1) An employer shall allow to every worker in his employment to whom this Schedule applies a holiday (hereinafter referred to as a "customary holiday") in each year on the days specified in the following sub-paragraph, provided that the worker was in his employment for a period of not less than four weeks during the six months immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) worked for the employer the last working day on which work was available to him immediately prior to the customary holiday.
- (2) The said customary holidays are:—
- (a) (i) In England and Wales:—
- Good Friday, Easter Monday, Whit Monday, August Bank Holiday (or in the case of August Bank Holiday such day, other than a weekly short day, as may be substituted therefor by the employer, being a day which is by local custom recognised as a day of holiday and which falls within three months of the day for which it is substituted), Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday) and Boxing Day;
- (ii) In Scotland:—
- the New Year's holidays (2 days);
- the local Spring holiday (1 day);
- the local Autumn holiday (1 day); and
- two other weekdays (being days upon which the worker normally attends for work) in the course of a calendar year, to be fixed by the employer and notified to the workers not less than three weeks before the holiday;
- or (b) in the case of each of the said days, such weekday falling within the holiday season as may be substituted therefor by agreement between the employer and the workers.
- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the foregoing provisions of this Schedule to work thereon, and, in lieu of any customary holiday on which he so works, the employer shall allow to the worker a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a weekday on which he would normally work for the employer within the period of four weeks next ensuing.
- (4) A worker who is required to work on a customary holiday shall be paid:—
- (a) for all time worked thereon at the minimum rate then appropriate to the worker for work on a customary holiday; and
- (b) in respect of the holiday in lieu of the customary holiday, holiday remuneration in accordance with paragraph 6.

**PART III**  
**ANNUAL HOLIDAY**

- 3.—(1) Subject to the provisions of paragraph 4, in addition to the holidays specified in Part II of this Schedule an employer shall, between the date

on which the provisions of this Schedule become effective and 30th September 1964, and in each succeeding year between 1st April and 30th September allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods set out in the table below and the duration of the annual holiday shall, in the case of each such worker, be related to his period of employment during that 12 months as follows:—

Workers with a normal working week of six days				Workers with a normal working week of five days			
Period of employment				Duration of annual holiday			
Column 1				Column 2			
At least 48 weeks	...	...	12 days	At least 48 weeks	...	...	10 days
" 44	"	...	11 "	" 43	"	...	9 "
" 40	"	...	10 "	" 38	"	...	8 "
" 36	"	...	9 "	" 33	"	...	7 "
" 32	"	...	8 "	" 28	"	...	6 "
" 28	"	...	7 "	" 24	"	...	5 "
" 24	"	...	6 "	" 19	"	...	4 "
" 20	"	...	5 "	" 14	"	...	3 "
" 16	"	...	4 "	" 9	"	...	2 "
" 12	"	...	3 "	" 4	"	...	1 day
" 8	"	...	2 "				
" 4	"	...	1 day				

Workers with a normal working week of four days				Workers with a normal working week of three days or less			
Period of employment				Duration of annual holiday			
Column 5				Column 6			
At least 48 weeks	...	...	8 days	At least 48 weeks	...	...	6 days
" 42	"	...	7 "	" 40	"	...	5 "
" 36	"	...	6 "	" 32	"	...	4 "
" 30	"	...	5 "	" 24	"	...	3 "
" 24	"	...	4 "	" 16	"	...	2 "
" 18	"	...	3 "	" 8	"	...	1 day
" 12	"	...	2 "				
" 6	"	...	1 day				

(2) Notwithstanding the provisions of the last foregoing sub-paragraph:—

- (a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week ;

- (b) where before 17th September in any holiday season a worker (or his representative) and his employer (or his representative) enter into an agreement in writing that the worker shall be allowed after the end of the holiday season and before 1st November next following, the annual holiday, or any part thereof, for which he has qualified under this paragraph, any such days of annual holiday may, subject to the provisions of paragraph 4, be allowed in accordance with the agreement, and if so allowed shall be treated for the purposes of this Schedule as having been allowed during the holiday season ;
- (c) the duration of the worker's annual holiday during the holiday season ending on 30th September 1964, shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order R. (130), as amended by Order R. (139) between 1st April 1964 and the date on which the provisions of this Schedule become effective.
- (3) In this Schedule the expression " holiday season " means in relation to the year 1964 the period commencing on 1st April 1964 and ending on 30th September 1964 and, in each succeeding year, the period commencing on 1st April and ending on 30th September of the same year.
- 4.—(1) Except as hereinafter in this paragraph otherwise provided, an annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer.
- (2) Where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may be allowed in two periods of consecutive working days ; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.
- (3) For the purposes of this paragraph, days of annual holiday shall be treated as consecutive notwithstanding that a day of holiday allowed to a worker under Part II of this Schedule or a day upon which he does not normally work for the employer intervenes.
- (4) Where a day of holiday allowed to a worker under Part II of this Schedule immediately precedes or follows a period of annual holiday or occurs during such a period and the total number of days of annual holiday required to be allowed in the period under the foregoing provisions of this paragraph, together with any such day of holiday allowed under Part II of this Schedule, exceeds the number of days constituting the worker's normal working week then, notwithstanding the foregoing provisions of this paragraph, the duration of that period of annual holiday may be reduced by one day and in such a case one day of annual holiday may be allowed on any working day (not being the worker's weekly short day) in the holiday season or before the commencement of the next holiday season.
- (5) Subject to the provisions of sub-paragraph (1) of this paragraph, any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959.
5. An employer shall give to a worker notice of the commencing date or dates and duration of the period or periods of his annual holiday. Such notice shall be given at least 21 days before the first day of the holiday or, where, under the provisions of paragraph 4, an annual holiday is allowed in more than one period, before each period, and may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

## PART IV

## HOLIDAY REMUNERATION

## A—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

6.—(1) Subject to the provisions of this paragraph, for each day of holiday to which a worker is entitled under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount, calculated at the appropriate rate of statutory minimum remuneration, to which he would have been entitled as a time worker if the day had not been a day of holiday and he had worked on that day on work for which statutory minimum remuneration is payable for the time (excluding overtime) usually worked by him on that day of the week:

Provided that—

(a) where the customary holiday falls on a Saturday—

(i) in the case of a worker who normally works on six days of the week, in addition to any amount to which he is entitled under the other provisions of this Schedule, he shall be paid an amount equal to the statutory minimum remuneration (excluding overtime) to which he would be entitled if he were employed as a time worker for four and a half hours on work for which statutory minimum remuneration is payable;

(ii) in the case of a worker who normally attends on five days only in the week, he shall be paid an amount equal to the appropriate statutory minimum remuneration (excluding overtime) to which he would have been entitled as a time worker if the day had not been a day of customary holiday and he had worked on that day for one-fifth of the number of hours he normally works in a week on work for which statutory minimum remuneration is payable.

(b) payment of the said holiday remuneration is subject to the condition that the worker presents himself for employment at the usual starting hour on and works the first working day following the holiday or, if he fails to do so, such failure is by reason of the proved illness of the worker or with the consent of the employer.

(2) The holiday remuneration in respect of any customary holiday shall be paid by the employer to the worker not later than the pay day on which the wages for the pay week including the first working day following the customary holiday are paid.

(3) The holiday remuneration in respect of any holiday in lieu of a customary holiday shall be paid not later than the pay day on which the wages for the pay week including the first working day following the holiday in lieu of a customary holiday are paid:

Provided that the said payment shall be made immediately upon the termination of the worker's employment in the case where he ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled, and in that case the proviso (b) to sub-paragraph (1) of this paragraph shall not apply.

## B—ANNUAL HOLIDAY

7.—(1) Subject to the provisions of paragraph 8, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, remuneration in accordance with the following table:—

TABLE OF HOLIDAY REMUNERATION

Column 1 Period of holiday	Column 2 Holiday remuneration for workers with a normal working week of:—				Column 3
	Six days	Five days	Four days	Three days or less	
12 days ...	Twice the amount in Column 3.	—	—	—	The amount which the worker would be entitled to receive from his employer, at the beginning of the holiday or the first period of the holiday, as the case may be, for a week's work, if working his normal working week and the number of daily hours usually worked by him (exclusive of overtime), and if paid at the appropriate rate of statutory minimum remuneration for time work, for work to which that rate applies and at the same rate for work (if any) to which that rate does not apply.
11 days ...	One and five-sixths times the amount in Column 3.	—	—	—	
10 days ...	One and two-thirds times the amount in Column 3.	Twice the amount in Column 3.	—	—	
9 days ...	One and one-half times the amount in Column 3.	One and four-fifths times the amount in Column 3.	—	—	
8 days ...	One and one-third times the amount in Column 3.	One and three-fifths times the amount in Column 3.	Twice the amount in Column 3.	—	
7 days ...	One and one-sixth times the amount in Column 3.	One and two-fifths times the amount in Column 3.	One and three-quarters times the amount in Column 3.	—	
6 days ...	The amount in Column 3.	One and one-fifth times the amount in Column 3.	One and one-half times the amount in Column 3.	Twice the amount in Column 3.	

5 days ...	Five-sixths of the amount in Column 3.	The amount in Column 3.	One and one-quarter times the amount in Column 3.	One and two-thirds times the amount in Column 3.
4 days ...	Two-thirds of the amount in Column 3.	Four-fifths of the amount in Column 3.	The amount in Column 3.	One and one-third times the amount in Column 3.
3 days ...	One-half of the amount in Column 3.	Three-fifths of the amount in Column 3.	Three-quarters of the amount in Column 3.	The amount in Column 3.
2 days ...	One-third of the amount in Column 3.	Two-fifths of the amount in Column 3.	One-half of the amount in Column 3.	Two-thirds of the amount in Column 3.
1 day ...	One-sixth of the amount in Column 3.	One-fifth of the amount in Column 3.	One-quarter of the amount in Column 3.	One-third of the amount in Column 3.

- (2) In the application of the provisions of the foregoing table to the case of a piece worker the appropriate statutory minimum remuneration for time work is the appropriate general minimum time rate that would have been applicable to him if he had been employed as a time worker.
- (3) Where under the provisions of paragraph 4 an annual holiday is allowed in more than one period, the holiday remuneration shall be apportioned accordingly.
8. Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 9 or in accordance with the provisions of Order R. (130), as amended by Order R. (139), in respect of employment during any of the periods referred to in that paragraph or that Order respectively, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order R. (130) as amended by Order R. (139).

#### ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

9. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment, pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment in the 12 months up to the 31st day of the preceding March, a sum equal to the holiday remuneration which would be payable for any days of annual holiday for which he has qualified (except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment) if they were allowed at the time of leaving the employment; and
- (2) in respect of any employment since the 31st day of the preceding March, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it.

#### PART V

#### GENERAL

10. For the purpose of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated—
- (1) as if he were employed for a week in respect of any week in which—
- (a) in the case of a worker other than a part-time worker, he has worked for the employer for not less than 34 hours and has performed some work for which statutory minimum remuneration is payable;
- (b) in the case of a part-time worker, he has worked for the employer and has performed some work for which statutory minimum remuneration is payable; or
- (c) in the case of any worker, *he has worked for the employer for less than 34 hours by reason of proved incapacity due to sickness or injury or for a like reason he has been absent throughout the week or has been suspended throughout the week owing to shortage*

*of work: Provided that the number of weeks which may be so treated as weeks of employment shall not exceed:—*

*(i) 26 weeks in the case of proved incapacity in respect of which the worker is entitled to injury benefit under the National Insurance (Industrial Injuries) Acts 1946 to 1963; and*

*(ii) six weeks in the case of any other proved incapacity or of suspension owing to shortage of work;*

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule or of Order R. (130), as amended by Order R. (139), and, for the purposes of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer on work for which statutory minimum remuneration is payable for the number of hours (excluding overtime) ordinarily worked by him on that day of the week.

11. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“home-worker” means a worker who works in his or her own home or in any other place not under the control or management of the employer.

“normal working week” means the number of days on which it has been usual for the worker to work in a week in the employment of the employer during the twelve months immediately preceding the commencement of the holiday season or, where under paragraph 9 accrued holiday remuneration is payable on the termination of the employment, during the twelve months immediately preceding the date of the termination of the employment:

Provided that—

(1) part of a day shall count as a day;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“part-time worker” means a worker who normally works for the employer for less than 42½ hours a week by reason only of the fact that he does not hold himself out as normally available for work for more than the number of hours he normally works in the week.

“statutory minimum remuneration” means remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Rope, Twine and Net Wages Council (Great Britain).

“week” in paragraphs 3 and 10 means “pay week”.

“weekly short day” means Saturday or any other day (not being Sunday) which may be substituted therefor by agreement between an employer and a worker.

12. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.



**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 28th September 1964, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays, in substitution for the holidays and holiday remuneration set out in the Wages Regulation (Rope, Twine and Net) (Holidays) Order 1961 (Order R. (130)) which is revoked.

New provisions are printed in italics.

1964 No. 1447

**WAGES COUNCILS**

**The Wages Regulation (Sack and Bag) Order 1964**

*Made - - - - 9th September 1964*  
*Coming into Operation 30th September 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as “the Minister”) has received from the Sack and Bag Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Sack and Bag) Order 1964.

2.—(1) In this Order the expression “the specified date” means the 30th September 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression “the specified date” means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Sack and Bag) Order 1963(c), shall cease to have effect.

Signed by order of the Minister of Labour 9th September 1964.

*W. S. I. Whitelaw,*  
 Parliamentary Secretary,  
 Ministry of Labour.

## SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Sack and Bag) Order 1963(a) (Order S.B. (55)).

## STATUTORY MINIMUM REMUNERATION

## PART I

## GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—
  - (1) in the case of a time worker, the general minimum time rate payable to the worker under Part II or Part III of this Schedule ;
  - (2) in the case of a male worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the general minimum time rate which would be payable under Part II of this Schedule if he were a time worker ;
  - (3) in the case of a female worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part III of this Schedule.

## PART II

## MALE WORKERS

## GENERAL MINIMUM TIME RATES

2. The general minimum time rates payable to male workers are as follows:—
 

	Per hour
	s. d.

- (1) Workers aged 21 years or over and employed during the whole or part of their time:—

(a) as superintendents of packing presses (hand or machine) or as press foremen (hand or machine), or

(b) in setting up or minding, or in setting up and minding, branding or printing machines or both such machines ... .. 4 1

Provided that the general minimum time rate payable during his first six months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 21 years shall be ... .. 4 0½

- (2) All other workers aged

21 years or over	...	...	...	...	...	...	3	10½
20 and under 21 years	...	...	...	...	...	...	3	6
19 " " 20 "	...	...	...	...	...	...	3	2½
18 " " 19 "	...	...	...	...	...	...	2	10
17 " " 18 "	...	...	...	...	...	...	2	3½
16 " " 17 "	...	...	...	...	...	...	2	0½
under 16 years	...	...	...	...	...	...	1	10½

Provided that the general minimum time rate payable during his first two months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 18 years shall be ¼d. per hour less than the minimum rate otherwise payable under this sub-paragraph.

## PART III

## FEMALE WORKERS

## GENERAL MINIMUM TIME RATES

3. The general minimum time rates payable to female workers are as follows:—

	Per hour s. d.
(1) Workers aged 18 years or over and employed as examiners of mended work, allocators, forewomen, hand sewers of heavy twill sacks and bags of 10 porter and upwards, selectors or graders of mixed loads or setters-up on branding machines ... ..	2 11½
Provided that the general minimum time rate payable during her first six months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 18 years shall be ... ..	2 10½
(2) All other workers aged	
18 years or over ... ..	2 10
17 and under 18 years ... ..	2 3½
16 " " 17 " ... ..	2 0½
under 16 years ... ..	1 10½

Provided that the general minimum time rate payable during her first two months' employment in the trade to a worker who enters, or who has entered, the trade for the first time at or over the age of 16 years shall be ¼d. per hour less than the minimum rate otherwise payable under this sub-paragraph.

## PIECE WORK BASIS TIME RATES

4. The piece work basis time rates applicable to female workers of any age employed on piece work are as follows:—

	Per hour s. d.
(1) Workers employed as examiners of mended work, allocators, forewomen, hand sewers of heavy twill sacks and bags of 10 porter and upwards, selectors or graders of mixed loads or setters-up on branding machines ... ..	3 1
(2) All other workers ... ..	2 11½

## PART IV

## OVERTIME AND WAITING TIME

## MINIMUM OVERTIME RATES

5. Minimum overtime rates are payable to any worker, not being a male worker employed on piece work, as follows:—

- (1) on any day other than a Saturday, Sunday or customary holiday—
- (a) for the first 2 hours worked in excess of 8½ hours ... .. time-and-a-quarter
- (b) thereafter ... .. time-and-a-half

Provided that, where the employer normally requires the worker's attendance on five days only in the week, the foregoing minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively.

- (2) on a Saturday, not being a customary holiday—
- (a) where the worker is normally required to attend on six days in the week—
- |   |                    |
|---|--------------------|
| for the first 2 hours worked in excess of |                    |
| 4 hours ... ..                            | time-and-a-quarter |
| thereafter ... ..                         | time-and-a-half    |
- (b) where the worker is normally required to attend on five days only in the week—
- |                              |        |                    |
|------------------------------|--------|--------------------|
| for the first 2 hours worked | ...    | time-and-a-quarter |
| thereafter                   | ... .. | time-and-a-half    |
- (3) on a Sunday or a customary holiday—
- |                     |        |             |
|---------------------|--------|-------------|
| for all time worked | ... .. | double time |
|---------------------|--------|-------------|
- (4) in any week exclusive of any time for which a minimum overtime rate is payable under the foregoing provisions of this paragraph—
- |   |                     |
|---|---------------------|
| for all time worked in excess of 43½ hours... | time-and-a-quarter. |
|---|---------------------|

6. In this Part of this Schedule—

- (1) the expressions “time-and-a-quarter”, “time-and-a-half” and “double time” mean respectively—
- (a) in the case of a time worker, one and a quarter times, one and a half times and twice the general minimum time rate otherwise payable to the worker ;
- (b) in the case of a female worker employed on piece work—
- (i) a time rate equal respectively to one-quarter, one-half and the whole of the piece work basis time rate otherwise applicable to the worker under Part III of this Schedule and, in addition thereto—
- (ii) the piece rates otherwise applicable to the worker under paragraph 1 (3).
- (2) The expression “customary holiday” means
- (a) (i) in England and Wales—
- Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ;
- (ii) in Scotland—
- New Year's Day and the following day ;
- Provided that if New Year's Day falls on a Sunday the holidays shall be the following Monday and Tuesday, and if New Year's Day falls on a Saturday the holidays shall be New Year's Day and the following Monday ;
- the local Spring holiday ;
- the local Autumn holiday ; and
- two other days (being days on which the worker would normally work) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ;
- or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) such weekday as may be substituted therefor by the employer being either—
- (i) a day which is by local custom recognised as a day of holiday, or
- (ii) a day (being a day on which the worker would normally work) which falls within three weeks of the day for which it is substituted and is mutually agreed between the employer and the worker.

## WAITING TIME

- 7.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—
- (a) without the employer's consent, express or implied ;
  - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
  - (c) by reason only of the fact that he is resident thereon ;
  - (d) during normal meal times in a room or place in which no work is being done and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.

## PART V

## APPLICATION

8. This Schedule applies to workers in relation to whom the Sack and Bag Wages Council (Great Britain) operates, namely, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Sack and Bag Trade, Great Britain) (Constitution and Proceedings) Regulations 1933(a), that is to say:—

The making from woven fabrics of corn sacks, flour sacks, coal sacks, sugar sacks, cement bags, sand bags, nail bags, potato bags, seed bags and similar sacks or bags, or the repairing thereof:

including:—

- (a) the following and similar operations (whether performed by hand or machine) known in the trade as:—
  - (i) Folding (or hooking), cutting, machining, turning ;
  - (ii) Brushing, selecting, mending ;
  - (iii) Branding, tarring, bundling;
- (b) the warehousing of, the packing of, and similar operations in regard to sacks or bags of the kind mentioned above when carried on in association with or in conjunction with the making or repairing thereof ;
- (c) the warehousing of, the packing of, and similar operations in regard to any other articles when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in any of the operations mentioned in paragraph (b) above ;

but excluding:—

- (i) any of the operations mentioned above when carried on in association with or in conjunction with the weaving of jute, flax or hemp, or the dyeing, bleaching or finishing of jute, flax or hemp yarn or cloth ;
- (ii) any of the operations mentioned above when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in a business in which the sacks or bags are used as containers for other articles the production or sale of which forms part of the business ;

- (iii) the making of rope-bound coal or coke sacks when carried on in association with or in conjunction with any business, establishment, branch or department engaged in the making of made-up textile articles other than sacks or bags, whether rope-bound or not, of the kind mentioned ;
  - (iv) any of the operations mentioned in paragraph (b) above when carried on in or in association with or in conjunction with any business, establishment, branch or department mainly engaged in the warehousing of, the packing of, and similar operations in regard to made-up textile articles other than sacks or bags, whether rope-bound or not, of the kind mentioned ;
  - (v) operations included in the Trade Boards (Waste Materials Reclamation) Order 1920(a).
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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 30th September 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Sack and Bag) Order 1963 (Order S.B. (55)), which is revoked.

New provisions are printed in italics.

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(a) S.R. & O. 1920/305 (1920 II, p. 794).

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 STATUTORY INSTRUMENTS
 

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1964 No. 1451

## TELEGRAPHS

## The Telephone Amendment (No. 4) Regulations 1964

<i>Made</i> . . . . .	9th September 1964
<i>Laid before Parliament</i>	15th September 1964
<i>Coming into Operation</i>	
<i>Regulations 1, 2 and 5</i>	1st October 1964
<i>Remainder</i> . . . . .	1st January 1965

I, The Right Honourable John Reginald Bevins, M.P., Her Majesty's Postmaster General, by virtue of the power vested in me by section 1 of the Telephone Act 1951(a) as amended by sections 16 and 28 of the Post Office Act 1961(b) and of every other power enabling me in this behalf, do hereby make the following regulations:

*Interpretation*

1.—(1) These regulations shall be read as one with the Telephone Regulations 1961(c) (hereinafter called "the principal regulations") as amended(d).

(2) The Interpretation Act 1889(e) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Inland call charges*

2. The following Table shall be inserted before Table B in Part 4 of Schedule 8 to the principal regulations as substituted by the Telephone Amendment (No. 1) Regulations 1963(f):

"TABLE A  
Charge Unit: 2d.

	Time for each charge unit
1. Call to an installation or telephone served by an exchange in an adjacent telephone group:	
(a) made otherwise than from a call office or coin box telephone . . . . .	360 seconds
(b) made from a call office or coin box telephone...	180 seconds
2. Trunk call: where the distance between the group centres concerned:	
(a) does not exceed 35 miles ... ..	30 seconds
(b) exceeds 35 miles but does not exceed 50 miles	15 seconds
(c) exceeds 50 miles ... ..	10 seconds "

(a) 14 & 15 Geo. 6. c. 52. (b) 9 & 10 Eliz. 2. c. 15. (c) S.I. 1961/1373 (1961 II, p. 2596).

(d) The relevant amending instrument is S.I. 1963/557 (1963 I, p. 612).

(e) 52 & 53 Vict. c. 63. (f) S.I. 1963/557 (1963 I, p. 612).



*Radiophone service*

3. The following regulation shall be inserted in the principal regulations immediately after regulation 36 as Part VI A:

**“ PART VI A  
RADIOPHONE SERVICE**

*Radiophone service*

36A.—(1) Subject to the provisions of this regulation, telephone service may be provided through a radiophone system to a person who is licensed under the Wireless Telegraphy Act 1949 to establish and use a station for wireless telegraphy, whether in a vehicle or elsewhere, for the purpose of sending and receiving calls between a telephone associated with that station and a station for wireless telegraphy forming part of the Postmaster General's public telephone system. In this regulation such telephone service is referred to as “ radiophone service”, such person as “ the licensee”, and such telephone as “ a radiotelephone”.

(2) The licensee shall pay in respect of each station of the licensee a subscription for radiophone service (in addition to the charges for calls, services and facilities obtained by means of the radiophone service) at the rate of £7 10s. 0d. per quarter, or part thereof.

(3) Subject to the exceptions and modifications set out in Schedule 14 these regulations shall apply to any radiophone service as if the licensee were a subscriber, the subscription a rental in respect of an installation, and a radiotelephone an installation.

(4) Nothing in this regulation shall apply to radiophone service provided under an agreement entered into before this regulation comes into operation so long as that agreement remains in force.”

4. The Schedule hereto shall be added to the principal regulations as Schedule 14.

*Citation and commencement*

5.—(1) These regulations may be cited as “ the Telephone Amendment (No. 4) Regulations 1964”.

(2) This regulation and regulations 1 and 2 shall come into operation on the 1st October 1964, and in all other respects these regulations shall come into operation on the 1st January 1965.

Dated 9th September 1964.

*J. R. Bevins,*

**SCHEDULE**

**Schedule 14**

**Regulation 36A**

**EXCEPTIONS AND MODIFICATIONS TO THESE REGULATIONS IN THEIR APPLICATION TO RADIOPHONE SERVICE**

**1. Exceptions**

The following regulations shall not apply:

3, 5, 6(5) and (6), 7 to 17 inclusive, 19, 21, the second sentence of 26(1), 26(3), 27 to 29 inclusive, 31, 33, 34, 38(b), (c) and (e), 40(2) and (4), 41(2) and (3), 42 to 44 inclusive, 46, 48(b), (c) and (d), 49, and 50(a) and (b).

## 2. Modifications

**Regulation 4.** The following regulation shall be substituted:

“4. Application for radiophone service shall if the Postmaster General so requires be made on a form furnished by him and signed by the licensee.”

**Regulation 6.** In paragraph (2), for the words after “cease” in the sixth line to the end of the paragraph there shall be substituted the words “at the end of the quarter in which the Postmaster General receives the notice, or, if the notice expires subsequently, at the end of the quarter in which the notice expires”.

**Regulation 39.** For the words “an installation” and the words “the installation” there shall be substituted the words “radiophone service”.

**Regulation 47.** For the words “exchange line” wherever they occur there shall be substituted the word “radiotelephone”.

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### EXPLANATORY NOTE

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations provide for the charges for certain inland calls from exchanges with STD facilities operated by an Authority licensed by the Postmaster General to provide telephone service. (Regulation 2, which comes into force on 1st October 1964).

They also provide for charges and other conditions applicable to the radiophone service for telephones in vehicles etc. (Regulations 3, 4, and Schedule, which comes into force on 1st January 1965).

1964 No. 1452

**WAGES COUNCILS**

**The Wages Regulation (Keg and Drum) Order 1964**

*Made* . . . . . 10th September 1964  
*Coming into Operation* . . . . . 2nd October 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Keg and Drum Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Keg and Drum) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 2nd October 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Keg and Drum) Order 1963(c) shall cease to have effect.

Dated 10th September 1964.

*Joseph Godber,*  
 Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Keg and Drum) Order 1963(c) (Order K.D. (72)).

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(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/1593 (1963 III, p. 2989).

## STATUTORY MINIMUM REMUNERATION

### PART I

#### GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies, is as follows:—
  - (1) where the worker is employed on time work,
    - (a) for all work except work to which a minimum overtime rate applies under Part III of this Schedule,
      - (i) the general minimum time rate payable to the worker under Part II of this Schedule, and in addition thereto,
      - (ii) in the case of a regular night worker, the supplemental time rate payable under paragraph 4;
    - (b) for all work to which a minimum overtime rate applies under Part III of this Schedule, that rate;
  - (2) where the worker is employed on piece work,
    - (a) piece rates, each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the piece work basis time rate applicable to the worker under Part II of this Schedule and, in addition thereto,
    - (b) in the case of a regular night worker, in respect of all time worked (except time to which a minimum overtime rate would apply under Part III of this Schedule if the worker were employed on time work) the supplemental time rate payable under paragraph 4.

#### DEFINITION OF REGULAR NIGHT WORKER

2. For the purposes of this Schedule, a regular night worker is a worker whose normal hours of work fall between the hours of 5 p.m. on one day and 7.30 a.m. on the next day.

### PART II

#### GENERAL MINIMUM TIME RATES AND PIECE WORK BASIS TIME RATES

3. The general minimum time rates payable to male or female workers employed on time work and the piece work basis time rates applicable to such workers when employed on piece work are as follows:—

	General minimum time rates per hour		Piece work basis time rates per hour	
	s.	d.	s.	d.
(1) MALE WORKERS aged—				
21 years or over	...	...	4	8½
20 and under 21 years	...	...	4	0½
19 " " 20 "	...	...	3	6½
18 " " 19 "	...	...	3	1½
17 " " 18 "	...	...	2	7½
16 " " 17 "	...	...	2	1½
under 16 years	...	...	1	8½

						General minimum time rates per hour s. d.	Piece work basis time rates per hour s. d.
<b>(2) FEMALE WORKERS aged—</b>							
21 years or over	...	...	...	...	3 6	3 10½	
20 and under 21 years	...	...	...	...	3 2½	3 6½	
19 " " 20 "	...	...	...	...	3 0½	3 4½	
18 " " 19 "	...	...	...	...	2 11½	3 3½	
17 " " 18 "	...	...	...	...	2 3½	2 6½	
16 " " 17 "	...	...	...	...	1 11½	2 2½	
under 16 years	...	...	...	...	1 7½	1 9½	

#### SUPPLEMENTAL TIME RATE FOR REGULAR NIGHT WORKERS

4. The supplemental time rate payable to a regular night worker is an amount equal to one-third of the following rate:—
- (1) in the case of a worker employed on time work, the general minimum time rate payable to the worker,
  - (2) in the case of a worker employed on piece work, the general minimum time rate which would be payable if the worker were employed on time work.

### PART III

#### OVERTIME AND WAITING TIME

##### MINIMUM OVERTIME RATES FOR TIME WORKERS

- 5.—(1) Subject to the provisions of this paragraph, minimum overtime rates are payable to a worker employed on time work as follows:—
- (a) On any day other than a Saturday, Sunday or customary holiday:—
    - (i) For the first 2 hours worked  
in excess of 8 hours ... .. TIME-AND-A-THIRD
    - (ii) Thereafter ... .. TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week, the said minimum overtime rates of time-and-a-third and time-and-a-half shall be payable after 8½ and 10½ hours' work respectively.
  - (b) On a Saturday, not being a customary holiday:—
    - (i) For the first 2 hours worked  
in excess of 4 hours ... .. TIME-AND-A-THIRD
    - (ii) Thereafter ... .. TIME-AND-A-HALF

Provided that where the worker normally attends on five days only in the week, the following minimum overtime rates shall apply:—

    - (i) For the first 2 hours worked ... .. TIME-AND-A-THIRD
    - (ii) Thereafter ... .. TIME-AND-A-HALF
  - (c) On a Sunday or a customary holiday:—
 

For all time worked ... .. DOUBLE TIME
  - (d) In any week for all time worked in excess of 42 hours (exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph):—
    - (i) For the first 2 hours so worked ... .. TIME-AND-A-THIRD
    - (ii) Thereafter ... .. TIME-AND-A-HALF
- (2) In ascertaining whether any minimum overtime rate is payable, regard shall be had to the whole of the worker's turn of duty, which shall be treated as worked on the day upon which it commences, except that where the full turn of duty of a regular night worker ordinarily extends from one day to the next each such turn of duty in the week shall be treated as worked wholly on the day after it commences.

**6. In this Part of this Schedule—****(1) the expression "customary holiday" means—****(a) (i) In England and Wales—**

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ;

**(ii) In Scotland—**

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;

the local Spring holiday ;

the local Autumn holiday ; and

three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

**(2) the expressions "time-and-a-third", "time-and-a-half" and "double time" mean, respectively, one and a third times, one and a half times, and twice the general minimum time rate otherwise payable to the worker under paragraph 3.**

**WAITING TIME**

**7.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—**

**(a) without the employer's consent, express or implied ;**

**(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;**

**(c) by reason only of the fact that he is resident thereon ;**

**(d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.**

**(2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work, is that which would be payable if he were a time worker.**

**PART IV****APPLICABILITY OF STATUTORY MINIMUM REMUNERATION**

**8. This Schedule applies to workers in relation to whom the Keg and Drum Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Keg and Drum Branch of the Hollow-ware Making Trade as specified in the Schedule to the Trade Boards (Keg and Drum Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(a), which reads as follows:—**

**" 1. Subject to the provisions of this Schedule the Keg and Drum Branch of the Hollow-ware Making Trade consists of the following operations:—**

**(a) All work in connection with—**

**(i) the manufacture of kegs, drums, tapers, taper-necked cans and painters' pots, or parts thereof:—**

**from sheet iron or sheet steel (hereinafter called black plate) of an average thickness of less than .125 of an inch (10 Birmingham Gauge) or**

from black plate coated with any metal and of an average thickness exceeding  $\cdot 01745$  of an inch (27 Birmingham Gauge) but less than  $\cdot 125$  of an inch (10 Birmingham Gauge) ;

and the repair thereof ;

(ii) the manufacture of boxes, canisters and bottles, or parts thereof from black plate whether coated or not with metal when carried on in a department mainly engaged in the manufacture or repair specified in paragraph 1 (a) (i) hereof :

(iii) the manufacture of kegs, drums, tapers, taper-necked cans and painters' pots, or parts thereof from black plate coated with any metal and of an average thickness not exceeding  $\cdot 01745$  of an inch (27 Birmingham Gauge) when carried on in a department mainly engaged in the manufacture or repair specified in paragraph 1 (a) (i) hereof :

and the repair thereof :

(iv) the manufacture from any iron or steel of forged, stamped or pressed mountings or fittings, or parts thereof, for the articles to the manufacture or repair of which paragraph 1 (a) (i) hereof applies when done by workers wholly or mainly so engaged or in association or conjunction with the said manufacture or repair.

(b) All work in connection with—

(i) the manufacture from black plate of articles of hollow-ware or parts thereof :

(ii) the manufacture of baths and dustbins from black plate or from black metal coated with any metal, of an average thickness not exceeding  $\cdot 0392$  of an inch (20 Birmingham Gauge) ;

(iii) the manufacture from any iron or steel of forged, stamped or pressed mountings or fittings or parts thereof for the articles specified in paragraph 1 (b) (i) and (ii) hereof

when done in a department mainly engaged in the work specified in paragraph 1 (a) hereof.

2. Work in connection with the manufacture specified in paragraph 1 hereof includes—

(a) finishing ;

(b) the work of persons employed in the factory or workshop in counting or weighing materials handed to workers and articles or parts thereof received from workers :

(c) packing, warehousing, despatching, the work of inside messengers, yard-workers and stokers and work of a similar nature.

3. Notwithstanding anything in this Schedule the following operations are not operations in the Keg and Drum Branch of the Hollow-ware Making Trade :—

(a) work specified in paragraph 1 hereof when performed in an establishment, branch or department mainly engaged in other work and in which the jointing and finishing of the articles or parts of articles specified in paragraph 1 hereof are done by workers mainly employed in jointing and finishing other articles :

(b) finishing when performed in a department mainly engaged in the finishing of articles other than articles specified in paragraph 1 hereof and in which no manufacture specified in paragraph 1 hereof is carried on :

(c) packing, warehousing, despatching, the work of inside messengers, yard-workers and stokers, and work of a similar nature when performed in an establishment not otherwise engaged in operations in the Keg and Drum Branch of the Hollow-ware Making Trade :

- 
- (d) the manufacture of component parts of motor vehicles, motor plants, aircraft, cycles or motor-cycles ;
  - (e) the manufacture of any article or part of any article when made in an establishment mainly engaged in the manufacture of motor vehicles, motor plants, aircraft, cycles or motor-cycles or of component parts thereof ;
  - (f) all clerical work other than work specified in paragraph 2 (b) hereof ;
  - (g) the manufacture of tin rollers, tin roller drums, card cases, coiler cans and other articles for use with textile or other machinery ;
  - (h) all processes of lithographic printing and processes of varnishing or lacquering done in connection therewith ;
  - (i) all work in connection with the maintenance or upkeep of premises, machinery or plant ;
  - (j) all work included under the Trade Boards (Hollow-ware Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(a) ;
  - (k) all work included under the Trade Boards (Tin Box Trade, Great Britain) (Constitution and Proceedings) Regulations 1928(b).
4. The expression 'finishing' includes operations of coating, polishing and cleaning articles."
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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 2nd October 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Keg and Drum) Order 1963 (Order K.D. (72)), which is revoked.

New provisions are printed in italics.

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(a) S.R. & O. 1928/843 (1928, p. 1272).

(b) S.R. & O. 1928/847 (1928, p. 1289).



1964 No. 1454 (S. 95)

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Appointment of Medical and Dental Officers) (Scotland) Amendment Regulations 1964**

<i>Made</i> . . . . .	9th September 1964
<i>Laid before Parliament</i>	16th September 1964
<i>Coming into Operation</i>	17th September 1964

In exercise of the powers conferred on me by section 14 of the National Health Service (Scotland) Act 1947<sup>(a)</sup>, and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the National Health Service (Appointment of Medical and Dental Officers) (Scotland) Amendment Regulations 1964, and shall come into operation on 17th September 1964.

(2) The Interpretation Act 1889<sup>(b)</sup> shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

2. For paragraph (1) of regulation 7 of the National Health Service (Appointment of Medical and Dental Officers) (Scotland) Regulations 1948<sup>(c)</sup> there shall be substituted the following paragraph :—

“(1) The Secretary of State shall constitute a national panel of specialists, consisting of not more than thirty-five members nominated jointly by the Universities of St. Andrews, Glasgow, Aberdeen and Edinburgh, not more than seventy-five members nominated jointly by the Royal College of Physicians of Edinburgh, the Royal College of Surgeons of Edinburgh, the Royal College of Physicians and Surgeons of Glasgow and the Royal College of Obstetricians and Gynaecologists, and such other members, so that the total number of the panel be not more than one hundred and fifty, as the Secretary of State may from time to time think fit to appoint after consultation with the Universities and the bodies mentioned herein ”

*Michael Noble,*  
 One of Her Majesty's Principal  
 Secretaries of State.

St. Andrew's House,  
 Edinburgh, 1.

9th September 1964.

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(a) 10 & 11 Geo. 6. c. 27.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1948/1390 (Rev. XV, p. 854: 1948 I, p. 2311).

**EXPLANATORY NOTE**

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations amend the National Health Service (Appointment of Medical and Dental Officers) (Scotland) Regulations 1948, by increasing the maximum membership of the national panel of specialists from 75 to 150.

**1964 No. 1456**

**TRANSPORT**

**The British Transport Police Force Scheme 1963 (Approval)  
Order 1964**

*Made - - - - 10th September 1964*

*Laid before Parliament 17th September 1964*

*Coming into Operation 1st January 1965*

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of the powers conferred upon him by section 69(5) and (8) of the Transport Act 1962(a) (hereinafter referred to as "the Act") and of all other enabling powers, and after consultation with the British Railways Board, the London Transport Board, the British Transport Docks Board and the British Waterways Board (hereinafter referred to as "the Boards") in accordance with the requirements of section 69(6) of the Act hereby makes the following Order:—

1.—(1) The Minister hereby approves the scheme for the organisation of the transport police of the Boards submitted to him by the British Railways Board in pursuance of section 69(1) of the Act, subject to the amendment that the date upon which the scheme shall come into operation shall be the 1st January 1965 in substitution for the 1st June 1964 as provided in the scheme submitted to the Minister.

(2) The scheme as so approved with the said amendment is set out in the Schedule to this Order.

2.—(1) This Order may be cited as the British Transport Police Force Scheme 1963 (Approval) Order 1964 and shall come into operation on the 1st January 1965.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport the 10th September 1964.

(L.S.)

*Ernest Marples,*  
The Minister of Transport.

**THE SCHEDULE****BRITISH TRANSPORT POLICE FORCE SCHEME 1963  
TRANSPORT ACT 1962****SCHEME**

prepared by the British Railways Board (after consulting the London Transport Board, the British Transport Docks Board and the British Waterways Board) and submitted to the Minister of Transport for his approval in accordance with Section 69(1) of the Transport Act, 1962

**1. Definitions**

(a) In this Scheme unless the context otherwise requires:—

“the Minister” means the Minister of Transport;

“the Railways Board” means the British Railways Board;

“the other Boards” means the London Transport Board, the British Transport Docks Board and the British Waterways Board or any of them as the context may require;

“the Boards” means the Railways Board and the other Boards;

“transport police” means constables appointed or deemed to be appointed under Section 53 of the British Transport Commission Act, 1949(a), or appointed or to be appointed under that section as amended by Section 70 of the Transport Act, 1962;

“the Force” means the force of transport police to be organised under this Scheme;

“the Committee” means the British Transport Police Committee constituted under this Scheme.

(b) The Interpretation Act, 1889, shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of Parliament.

**2. British Transport Police Force**

(a) The transport police shall be organised in a single force for the Railways Board but the services of the Force shall subject to the provisions of this Scheme be made available by the Railways Board to meet the requirements (if any) of the other Boards and the Railways Board shall use their best endeavours to meet the requirements of those Boards.

(b) The Force shall be known as “The British Transport Police Force”.

(c) Subject to the provisions of this Scheme all transport police hereafter appointed shall be appointed and employed by the Railways Board and all transport police now appointed shall continue to be employed by the Railways Board.

(d) The property and rights and liabilities which vested in the Railways Board under Section 31(2) of the Transport Act 1962 as being comprised in that part of the undertaking of the British Transport Commission which constituted the British Transport Commission Police Force shall so far as the same are still vested in the Railways Board continue to be so vested but the Railways Board and each of the other Boards may from time to time enter into agreements for the transfer to such other Board of any of the said property in any case where in the opinion of the Boards concerned such transfer is necessary or convenient for the purposes of this Scheme.

**3. Organisation of the Force**

(a) The Force shall be organised in Divisions as from time to time may be agreed between the Boards.

(b) There shall be a chief officer of the Force with the title of Chief Constable and there shall be officers subordinate to him in charge of one or more of each of the Divisions of the Force. The chief officer of the Railways Board's Police Force at the date of the coming into operation of this Scheme shall be the first Chief Constable of the Force.

#### 4. *British Transport Police Committee*

(a) There shall be a committee (to be known as "the British Transport Police Committee") to whom the Chief Constable shall be responsible for the administration of the Force in accordance with the directions from time to time given to him by the Committee.

(b) The Committee shall consist of a Chairman appointed by the Railways Board and four other members appointed by that Board and one member each appointed by such of the other Boards requiring the services of the Force to be made available to them under this Scheme as may from time to time wish to appoint a member thereto. The Railways Board and such other Boards are in this Clause hereinafter collectively referred to as "the represented Boards".

(c) The terms of appointment of each member of the Committee shall be such as shall be agreed between the represented Boards. At least one of the members to be appointed by the Railways Board shall be appointed after consultation with the other represented Boards from among persons who have had wide experience of, or who have shown capacity in, the control or administration of police.

(d) A member of the Committee shall hold office in accordance with the terms of his appointment and may at any time resign his membership by notice to the Board which appointed him and each of the represented Boards may (unless the terms of appointment otherwise provide) at any time remove any member appointed by that Board by notice to such member.

(e) The Committee may act notwithstanding a vacancy among its members.

(f) The quorum of the Committee shall be four (including at least one member appointed otherwise than by the Railways Board) and subject thereto the Committee shall determine its own procedure.

(g) It shall be the duty of the Committee—

(i) to supervise the administration of the Force by the Chief Constable on such lines as may from time to time be agreed between the represented Boards and to give to him all such directions as may from time to time be necessary for that purpose;

(ii) to make recommendations to the represented Boards in respect of any matter relating to the Force;

(iii) to exercise on behalf and in the name of the Railways Board the powers of the Railways Board under Section 53 of the British Transport Commission Act 1949 as amended by Section 70 of the Transport Act, 1962; and

(iv) to do on behalf and in the name of the Railways Board all other things which may be necessary for performing their functions under this Scheme.

(h) Notice of every decision of the Committee with respect to any matter relating to the Force shall be sent to each of the represented Boards who shall be deemed to have approved such decision unless they signify in writing to the Committee and all other represented Boards within seven days of receipt of such notice that they object thereto, and the Committee and the represented Boards shall give effect to any decision of the Committee which is approved or deemed to be approved as aforesaid. Effect shall not be given to any decision to which a represented Board have objected, unless the objection is withdrawn, but any represented Board may apply to the

Minister after notice to the others for a determination of any matter arising out of the objection and the Committee and the represented Boards shall give effect to such determination.

#### 5. *Expenses of Force*

All expenses relating to the Force shall be borne by the Railways Board but the other Boards shall make such contribution towards those expenses as may be agreed between the Boards from time to time and the Railways Board shall be entitled to recover from the other Boards the amounts of their respective contributions.

#### 6. *Settlement of Disputes*

If the Boards or the represented Boards (as the case may be) fail to agree upon any matter which is expressed in this Scheme to be the subject of agreement between them the matter shall be determined by the Minister upon the application of any of them after notice to the others and effect shall be given to such determination.

#### 7. *Citation etc.*

This Scheme may be cited as "the British Transport Police Force Scheme 1963" and shall come into operation on the first day of January 1965.

Dated this Ninth day of December 1963.

The COMMON SEAL of THE BRITISH RAILWAYS BOARD was hereunto affixed in the presence of:—

G. N. Russell	Member.	
	2405.	LS.
Ll. Wansbrough-Jones	Secretary.	

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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

Section 69(1) of the Transport Act 1962 imposes a duty upon the British Railways Board, after consulting the other Boards set up by the Act, to prepare and submit to the Minister of Transport a scheme for the organisation of the transport police of the Boards. The Minister is empowered by Section 69(5) and (6) to approve the scheme with or without amendment, after consulting the Boards.

This Order embodies the Minister's approval of a scheme duly submitted to him, subject only to an amendment as to the date of its operation. The Scheme as so approved is set out in the Schedule.

1964 No. 1462

## FIRE SERVICES

**The Fire Services (Appointments and Promotion)  
Regulations 1964**

<i>Made</i> - - - -	10th September 1964
<i>Laid before Parliament</i>	17th September 1964
<i>Coming into Operation</i>	1st October 1964

In pursuance of the powers conferred on me by section 18(1) of the Fire Services Act 1947(a), as amended by the Fire Services Act 1959(b), I hereby, after consultation with the Central Fire Brigades Advisory Council, make the following Regulations:—

1. For Regulation 3(4) of the principal Regulations (which relates to qualifications for promotion) there shall be substituted the following provision:—

“(4) For promotion into the rank of station officer the qualifications of a member of a brigade shall be as follows, that is to say, he shall have had not less than five years’ operational service and—

(a) have passed a written technical examination on a syllabus of study prepared by the Fire Services Central Examinations Board ;  
or

(b) have passed, since the end of the year 1961, the graduateship examination, or the examination for associate membership, of the Institution of Fire Engineers, having been eligible to enter for the examination referred to in the preceding sub-paragraph immediately before he took the examination in question of the said Institution.”

2. In the following provisions of the principal Regulations, that is to say, Regulations 3(7), 5(2) and 6(1) and the definition of the expression “Fire Services Central Examinations Board” in Regulation 7, for any reference to Regulation 3(4)(b) of the principal Regulations there shall be substituted a reference to Regulation 3(4)(a) thereof.

3. In Regulation 5(3) of the principal Regulations (which relates to examination procedure) the words “and of the marks awarded in his case” shall be omitted.

4. In Part I of Schedule 1 to the principal Regulations (which relates to the educational examination for promotion to leading fireman) the words “and intelligence” shall be omitted.

5. In these Regulations a reference to the principal Regulations is a reference to the Fire Services (Appointments and Promotion) Regulations 1961(c), as amended(d).

(a) 10 & 11 Geo. 6. c. 41.  
(c) S.I. 1961/814 (1961 I, p. 1615).

(b) 7 & 8 Eliz. 2. c. 44.  
(d) S.I. 1962/1816 (1962 II, p. 2166).

6. These Regulations may be cited as the Fire Services (Appointments and Promotion) Regulations 1964 and shall come into operation on 1st October 1964.

*Henry Brooke,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

10th September 1964.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the Fire Services (Appointments and Promotion) Regulations 1961. The principal amendments are described below.

Under the 1961 Regulations a person who has passed the graduateship examination of the Institution of Fire Engineers is exempted from having to pass the technical examination for promotion to station officer. Regulation 1 of the present Regulations extends this exemption to persons who have passed the examination for associate membership of that Institution.

Regulation 3 relieves the Fire Services Central Examination Board of the duty to notify the fire authority concerned of the marks awarded to an examination candidate.

Regulation 4 modifies the description of the educational examination for promotion to leading fireman by omitting therefrom the specific reference to intelligence.



1964 No. 1463

## AGRICULTURE

**The Price Stability of Imported Products (Levy Arrangements) (Amendment No. 3) Order 1964**

<i>Made - - - -</i>	<i>12th September 1964</i>
<i>Laid before Parliament</i>	<i>17th September 1964</i>
<i>Coming into Operation</i>	<i>18th September 1964</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (3), (4), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) (Amendment No. 3) Order 1964; and shall come into operation on 18th September 1964.

2. The Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended(c) shall be further amended by adding to the countries named in Schedule 2 thereto the following entries:—

“ India.

United Republic of Tanganyika and Zanzibar.

Kenya.

Malawi.

Northern Rhodesia.

Kingdom of the Netherlands.”

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries  
and Food.

Given under the Seal of the Secretary of State for Scotland on 9th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

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(a) 1964 c. 28.

(b) S.I. 1964/809 (1964 II, p. 1706).

(c) S.I. 1964/989, 1146 (1964 II, pp. 2229, 2570).

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Given under the hand of the Secretary of State for the Home Department  
on 10th September 1964.

*Henry Brooke,*  
Secretary of State for the  
Home Department.

Approved,  
12th September 1964.

*John Peel,*  
*M. A. Hamilton,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

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### EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate  
its general purport)*

This order amends The Price Stability of Imported Products (Levy Arrangements) Order 1964 (S.I. 1964/809) by adding to the list of co-operating countries at Schedule 2 of that order the countries listed in Article 2 of this order. The original order provides for exemption from any general levy for imports from co-operating countries.

1964 No. 1464

## LONDON GOVERNMENT

## The London Authorities (Property etc.) Order 1964

*Made* - - - - - 14th September 1964  
*Laid before Parliament* 15th September 1964  
*Coming into Operation* 25th September 1964

The Minister of Housing and Local Government, in exercise of his powers under section 84 of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Title and commencement*

1. This order may be cited as the London Authorities (Property etc.) Order 1964, and shall come into operation—

- (a) for the purposes of any provision which expressly refers to the coming into operation of this order or requires or enables action to be taken before 1st April 1965, on 25th September 1964; and  
 (b) for all other purposes, on 1st April 1965.

*Interpretation*

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

- “the Act” means the London Government Act 1963;  
 “the City” means the City of London;  
 “the City Corporation” means the mayor and commonalty and citizens of the City of London;  
 “the Common Council” means the Common Council of the City of London;  
 “Green Belt land” means Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938(c);  
 “inner London borough” means the London borough of Camden, Greenwich, Hackney, Hammersmith, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth or Westminster;  
 “land” includes land covered by water and any interest or right in, to or over land;  
 “lands held for planning purposes” means lands held for purposes for which land can be acquired under section 68 or 71(1)(a) of the Town and Country Planning Act 1962(d) (including land acquired by virtue of sections 129 to 133 of that Act);  
 “the Minister” means the Minister of Housing and Local Government.

(3) In this order, unless 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.

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(a) 1963 c. 33. (b) 52 & 53 Vict. c. 63. (c) 1 & 2 Geo. 6. c. xciii. (d) 10 & 11 Eliz. 2. c. 38.

(4) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article or schedule of a specified order, be construed as a reference to the article or schedule bearing that number in this order.

(5) Any reference in any article of this order to a numbered paragraph shall, unless the reference is to a paragraph of a specified article, be construed as a reference to the paragraph bearing that number in the first-mentioned article.

*Other express provision*

3. This order shall have effect subject to the express provision of any other order made (whether before or after this order) under section 84 of the Act.

*Land held or used for several purposes*

4.—(1) Where any land (not being a property described in column (2) of Schedule 1 or of any extension thereof described in article 7) is held by an authority for two or more purposes, it shall be deemed for the purposes of section 23 of the Act and this order to be held for such one of those purposes as is determined by that authority to be the purpose for which the land is, immediately before 1st April 1965, mainly used.

(2) This paragraph applies to—

(a) accommodation in any property transferred to and vested in any authority by virtue of the Act or this order (hereinafter referred to as “ case (a) ”);

(b) accommodation in any property held by the City Corporation and not transferred by virtue of the Act or this order (hereinafter referred to as “ case (b) ”);

(c) accommodation in any property in Greater London or the urban district of Potters Bar, Staines or Sunbury-on-Thames held by the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell and not transferred by virtue of the Act or this order (hereinafter referred to as “ case (c) ”)

immediately before 1st April 1965 used (or in the case of a property not yet in occupation proposed to be used)—

(i) in case (a) for the purposes of any functions which on and after 1st April 1965 are not exercisable by the authority to whom the property is transferred ;

(ii) in case (b) for the purposes of any functions which on and after 1st April 1965 are not exercisable by the Common Council ;

(iii) in case (c) for the purposes of any functions other than those for which the building is deemed under paragraph (1) to be held.

In the case of any accommodation to which this paragraph applies used (or proposed to be used) by the London County Council or the county council of Middlesex, Essex, Hertfordshire, Kent or Surrey for the purposes of the specified functions within the meaning of article 11 such body as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if

(a) the appropriate Minister disagrees with such agreement, or

(b) no agreement has been reached by the relevant councils before such date,

determined by the appropriate Minister shall be entitled to the continued use (or the use) of such accommodation.

In the case of any other accommodation to which this paragraph applies the authority exercising the functions described in (i), (ii) or (iii) in the area in which the property is situated, or any other authority designated by the Minister after consultation, in case (a) with the authority to which the property is transferred, in case (b) with the Common Council and in case (c) with the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell, as the case may be, and such other consultation as may appear to the Minister to be appropriate, shall be entitled to the continued use (or the use) of such accommodation.

The use of any accommodation by virtue of this paragraph shall be for such period and on such terms as may be determined between the authority using the accommodation and, in case (a) the authority to whom the property is transferred, in case (b) the Common Council and in case (c) the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell, as the case may be, or failing such agreement, as may be determined by an arbitrator appointed by agreement between them and such authority or council or, in default of agreement, by the Minister.

In this paragraph any reference to an authority includes, in the case of the corporation of a London borough, a reference to the council of the borough.

In this paragraph, "the relevant councils" and "the appropriate Minister" have the same meanings as in article 11.

*Provisions ancillary to transfer provisions of the Act*

5.—(1) This article applies to the following matters, being matters as regards which provision as to transfer and vesting is made by the Act—

- (a) any drain belonging to a highway which is on 1st April 1965 a metropolitan road ;
- (b) any land which immediately before 1st April 1965 is held by the London County Council for the purposes of their functions as a local authority under the Housing Act 1957(a) ;
- (c) any land within a London borough which immediately before 1st April 1965 is held for the purposes of functions as such a local authority as aforesaid—
  - (i) by any council of a county borough, metropolitan borough or county district whose area falls wholly within such London borough,
  - (ii) by the urban district council of Chigwell ;
- (d) any sewer or sewage disposal works which immediately before 1st April 1965 is vested in the London County Council, the county council of Middlesex, the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board or the Richmond Main Sewerage Board ;
- (e) any sewer or sewage disposal works primarily serving an area in a London borough which immediately before 1st April 1965 is vested in the council of a county borough, metropolitan borough or county district the area of which falls wholly or partly within the borough ;

- (f) any drain in a London borough which immediately before 1st April 1965 falls within paragraph (a) or (b) of the definition of "drain" in section 81(1) of the Public Health (London) Act 1936(a) ;
- (g) any property (including the Royal Festival Hall) which immediately before 1st April 1965 is held by the London County Council by virtue of an enactment mentioned in section 57(2) of the Act ;
- (h) any land which immediately before 1st April 1965 is vested in the London County Council or the county council of Middlesex and used as a park or open space ;
- (i) any Green Belt land vested immediately before 1st April 1965 in the London County Council or the county council of Middlesex, or any functions, rights or liabilities exercisable with respect to any Green Belt land immediately before such date by either of those councils ;
- (j) any property held immediately before 1st April 1965 exclusively for charitable purposes by any council to whom section 3(1)(b) of the Act applies as sole trustee.

(2) In so far as provision is not made by the Act—

- (i) all liabilities attaching to any authority in respect of any property transferred by the Act shall by virtue of this order be transferred to and attach to the authority to whom such property is transferred ;
- (ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the first-mentioned authority in respect of such property, or in respect of liabilities transferred by the Act or by this article, shall be of full force and effect in favour of, or against, the authority to whom such property and liabilities are transferred ; and
- (iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the first-mentioned authority in respect of such property, or in respect of liabilities transferred by the Act or by this article, shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority to whom such property and liabilities are transferred.

(3) Where any such drain as is described in paragraph (1)(a) is immediately before 1st April 1965 used for any purpose in connection with the drainage of any highway which does not on that date become a metropolitan road, the highway authority for that highway shall continue to have the right to use that drain for that purpose, and any difference arising under this paragraph between such highway authority and the Greater London Council shall, if either such authority so elect, be referred to and determined by the Minister.

*Ancillary provision in relation to highways and bridges*

6.—(1) Where by virtue of the Act any authority (hereinafter referred to as "the new highway authority")—

- (a) becomes the highway authority for any highway (hereinafter referred to as "case (a)"),

(b) becomes the highway authority for the highways in any area (hereinafter referred to as "case (b)")

then—

(i) in case (a)—

the interest of the former highway authority in the highway, in so far as such interest is not vested in the new highway authority by virtue of section 226 of the Highways Act 1959(a) (which applies to Greater London by virtue of section 16(2) of the Act),

any land held by the former highway authority for the purposes of their functions in relation to the highway or which has been acquired by them as highway authority for the highway,

any specified equipment on or near the highway, and

all liabilities attaching to the former highway authority in respect of such interest (whether vested in the new highway authority by virtue of the said section 226 or this paragraph), land or specified equipment ;

in case (b)—

any land held for the construction of highways for which the new highway authority will be the highway authority, and

all liabilities attaching to the former highway authority in respect of such land ;

shall by virtue of this order be transferred to and vest in or attach to the new highway authority ;

(ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the former highway authority—

in case (a), in respect of the interest of the former highway authority in the highway (whether vested in the new highway authority by virtue of the said section 226 or this paragraph) or in respect of the land, equipment or liabilities transferred by sub-paragraph (i) in case (a),

in case (b), in respect of the land and liabilities transferred by sub-paragraph (i) in case (b),

shall be of full force and effect in favour of, or against, the new highway authority ; and

(iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the former highway authority—

in case (a), in respect of the interest of the former highway authority in the highway (whether vested in the new highway authority by virtue of the said section 226 or this paragraph) or in respect of the land, equipment or liabilities transferred by sub-paragraph (i) in case (a),

in case (b), in respect of the land and liabilities transferred by sub-paragraph (i) in case (b),

shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the new highway authority.

In this paragraph, " specified equipment " means—

(a) traffic signs other than signs for indicating speed restrictions and,

outside Greater London, pedestrian crossing marks and signs, and bollards and other obstructions for preventing the passage of vehicles, being the property of the former highway authority ; and

(b) in relation to any metropolitan road, lamps, lamp posts and other apparatus for the lighting thereof.

(2) Any county bridge in Greater London which is not vested in the highway authority for the highway carried by the bridge by virtue of any other provision shall by virtue of this order be transferred to and vest in the highway authority for such highway, and

(a) all liabilities attaching to any authority in respect of the bridge shall by virtue of this order be transferred to and attach to such highway authority ;

(b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, any authority in respect of the bridge, or in respect of liabilities transferred by sub-paragraph (a), shall be of full force and effect in favour of, or against, such highway authority ; and

(c) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, any authority in respect of the bridge, or in respect of liabilities transferred by sub-paragraph (a), shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, such highway authority.

(3) Nothing in this article shall apply to any drain belonging to a highway which is on 1st April 1965 a metropolitan road or any other drain or sewer which is on that date used for any purpose in connection with the drainage of a metropolitan road, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto.

(4) Any expression in this article which is also used in the Highways Act 1959 shall have the same meaning as in that Act.

#### *Transfer of particular properties*

7. Any property described in column (2) of Schedule 1 (or of any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965) of an authority named in column (1) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such property in column (3), and

(a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the authority named in the said column (1) in respect of such property and liabilities shall be of full force and effect in favour of, or against, the authority specified in column (3) ; and

(b) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the authority named in the said column (1) in respect of such property and liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in column (3).



*Parks and open spaces*

8. Section 58(2) of the Act (which applies to any land which immediately before 1st April 1965 is vested in the London County Council or the county council of Middlesex and used as a park or open space) shall also apply to any land (not being land to which section 57(2) or 59(1) of the Act applies) which immediately before such date is vested in either such council for the purposes of parks and open spaces but is not used for such purposes, and

- (i) all liabilities attaching to any authority in respect of any such land shall by virtue of this order be transferred to and attach to the Greater London Council ;
- (ii) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, any authority in respect of such land or liabilities shall be of full force and effect in favour of, or against, the Greater London Council ; and
- (iii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, any authority in respect of such land or liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the Greater London Council.

*Lands held for planning purposes, acquired for development or surplus to requirements*

9.—(1) This article applies to—

lands held by the London County Council or the county council of Middlesex for planning purposes,

lands held by the London County Council under section 97(2) of the London Government Act 1939(a) or section 33 (Development of land by Council) of the London County Council (General Powers) Act 1955(b) or by the county council of Middlesex under section 5 (Further powers to Council to acquire land), 12 (Power to develop lands &c.) or 211 (Acquisition of land for amenities) of the Middlesex County Council Act 1944(c), section 31 (Acquisition and development of derelict land) of the Middlesex County Council Act 1956(d) or section 12 (Power of Council to acquire land for rehousing) or 14 (Acquisition of land in advance of requirements) of the Middlesex County Council Act 1961(e), and not allocated to any purpose for which land may be acquired,

any lands held by the London County Council or the county council of Middlesex and on 31st March 1965 no longer required for the purposes for which they are held,

other than—

(a) Green Belt land vested immediately before 1st April 1965 in the London County Council or the county council of Middlesex ; and

(b) land described in article 11(8).

(2) The lands to which this article applies and all liabilities attaching to the London County Council or the county council of Middlesex in respect of any such lands shall by virtue of this order be transferred to and vest in or attach to the Greater London Council, and

(a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the London County Council or the county council

(a) 2 & 3 Geo. 6. c. 40.

(b) 4 & 5 Eliz. 2. c. xxix.

(c) 7 & 8 Geo. 6. c. xxi.

(d) 4 & 5 Eliz. 2. c. xc.

(e) 9 & 10 Eliz. 2. c. xxxvii.

of Middlesex in respect of such lands and liabilities shall be of full force and effect in favour of, or against, the Greater London Council ; and

- (b) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the London County Council or the county council of Middlesex in respect of such lands and liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the Greater London Council,

but between 1st April 1965 and 31st March 1968 the Greater London Council shall, after consultations with the London borough councils, the Common Council and the county councils of Hertfordshire and Surrey, prepare and submit to the Minister schemes with respect to such lands (and covering all such lands)—

- (i) containing proposals as to the retention of particular lands or parts of lands by the Greater London Council and giving their grounds for such retention ;
- (ii) providing for the transfer of any lands or parts of lands to one, or to two or more jointly, of the following councils, namely the London borough councils, the Common Council and the councils of counties, county boroughs or county districts in or near to which such lands or parts are situated, and, in the case of a transfer to two or more councils jointly, providing for the management and control of the land or part by a body representative of both or all those councils,

and the Minister may, after consultation with the Greater London Council and as regards any land or part the council or councils of any of the following areas, namely the London boroughs, the City, counties, county boroughs and county districts, in which the land or part is situated and such other consultation as may appear to the Minister to be appropriate, confirm any such scheme (or, at any time, any part thereof) with or without modifications. Upon such confirmation the provisions of the scheme described in (ii), subject to any modification thereof, shall have effect by virtue of the scheme.

(3) At any time before the confirmation of the scheme provided for in paragraph (2) the Greater London Council may submit to the Minister a proposal for—

- (i) the retention by them, or
- (ii) the transfer to one, or to two or more jointly, of the following councils, namely the London borough councils, the Common Council and the councils of counties, county boroughs or county districts in or near to which such lands are situated (and in the case of a transfer to two or more councils jointly for provision for the management and control of the land or part by a body representative of both or all of those councils)

of any lands to which this article applies or any parts of such lands, and the Minister may, after consultation with the Greater London Council and the council or councils of such of the following areas, namely the London boroughs, the City, counties, county boroughs and county districts, in which the land or part is situated and such other consultation as may appear to the Minister to be appropriate, confirm the proposal with or without modifications. Upon such confirmation the provisions of the proposals described in (ii), subject to any modification thereof, shall have effect by virtue of the proposals.

(4) The Minister may require the preparation and submission to him by a specified date of a scheme under paragraph (2) with respect to lands in any specified area or of proposals under paragraph (3) in relation to specified lands or parts thereof.

10.—(1) This article applies to the following lands in Greater London—

lands held by the county council of Essex, Hertfordshire, Kent or Surrey for planning purposes ;

lands held by the county council of Essex under section 5 (Further powers to Council to acquire land) or 121 (Acquisition of land for county roads or amenities) of the Essex County Council Act 1933(a) or section 15 (Development of land) of the Essex County Council Act 1952(b), by the county council of Hertfordshire under section 12 (Acquisition of land for county roads, amenities etc.) of the Hertfordshire County Council Act 1935(c) or section 9 (Acquisition of derelict land) or 10 (Development of land) of the Hertfordshire County Council Act 1960(d), by the county council of Kent under section 13 (Acquisition of derelict land) or 14 (Development of land) of the Kent County Council Act 1958(e) or by the county council of Surrey under section 5 (Further powers to Council to acquire land) or 68 (Acquisition of land for county roads and amenities) of the Surrey County Council Act 1931(f), and not allocated to any purpose for which land may be acquired ;

any lands held by the county council of Essex, Hertfordshire, Kent or Surrey and on 31st March 1965 no longer required for the purposes for which they are held,

other than—

(a) Green Belt land vested in the county council of Essex, Hertfordshire, Kent or Surrey ; and

(b) land described in article 11(8).

(2) Any land to which this article applies and all liabilities attaching to the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, in respect of such land shall by virtue of this order be transferred to and vest in or attach to the council of the London borough in which the land or the greater part of the area thereof is situated, and

(a) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, in respect of such land and liabilities shall be of full force and effect in favour of, or against, the council of the London borough ; and

(b) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, in respect of such land and liabilities shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the council of the London borough.

(a) 23 & 24 Geo. 5. c. xlv.  
(c) 25 & 26 Geo. 5. c. cxiii.  
(e) 7 & 8 Eliz. 2. c. vi.

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 1.  
(d) 8 & 9 Eliz. 2. c. xlix.  
(f) 21 & 22 Geo. 5. c. ci.

*Accommodation for certain functions***11.—(1) In this article—**

“ the specified functions ” means—

(a) functions under Part III (other than section 27 (Ambulance services)) of the National Health Service Act 1946(a), Part III of the National Assistance Act 1948(b) and section 27 of the Midwives Act 1951(c);

(b) functions under the Disabled Persons (Employment) Acts 1944(d) and 1958(e);

(c) functions under section 77 (Provision of remand homes) of the Children and Young Persons Act 1933(f), sections 15 (Homes for the accommodation of children) and 19 (Hostels for persons under 21) of the Children Act 1948(g) and section 1 (Welfare of children) of the Children and Young Persons Act 1963(h);

“ the relevant councils ” means—

in relation to the London County Council, the councils of the inner London boroughs and the London borough of Newham and the Common Council;

in relation to the county council of Middlesex, the councils of the London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow and Richmond upon Thames and the county councils of Hertfordshire and Surrey;

in relation to the county council of Essex, that council and the councils of the London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest;

in relation to the county council of Hertfordshire, that council and the council of the London borough of Barnet;

in relation to the county council of Kent, that council and the councils of the London boroughs of Bexley and Bromley;

in relation to the county council of Surrey, that council and the councils of the London boroughs of Croydon, Kingston upon Thames, Merton, Richmond upon Thames and Sutton;

“ the appropriate Minister ” means—

in the case of the functions comprised in (a) of the definition of “ the specified functions ”, the Minister of Health;

in the case of the functions comprised in (b) thereof, the Minister of Labour;

in the case of the functions comprised in (c) thereof, the Secretary of State.

(2) Any property held or allocated by the London County Council or the county council of Middlesex for the purposes of the specified functions and all liabilities attaching to such council in respect of any such property shall by virtue of this order be transferred to and vest in or attach to such body as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if—

(a) the appropriate Minister disagrees with such agreement, or

(a) 9 & 10 Geo. 6. c. 81.      (b) 11 & 12 Geo. 6. c. 29.      (c) 14 & 15 Geo. 6. c. 53.  
 (d) 7 & 8 Geo. 6. c. 10.      (e) 6 & 7 Eliz. 2. c. 33.      (f) 23 & 24 Geo. 5. c. 12.  
 (g) 11 & 12 Geo. 6. c. 43.      (h) 1963 c. 37.

(b) no agreement has been reached by the relevant councils before such date,  
determined by the appropriate Minister.

(3) Any property situated in Greater London held or allocated by the county council of Essex, Hertfordshire, Kent or Surrey for the purposes of the specified functions shall by virtue of this order be transferred to and vest in the corporation of a London borough or retained by such county council as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if—

(a) the appropriate Minister disagrees with such agreement, or

(b) no agreement has been reached by the relevant councils before such date,  
determined by the appropriate Minister.

Such properties situated outside Greater London held or allocated by such county council for the said purposes as may be agreed between the relevant councils before 1st November 1964 and approved by the appropriate Minister or, if—

(a) the appropriate Minister disagrees with such agreement, or

(b) no agreement has been reached by the relevant councils before such date,  
determined by the appropriate Minister shall by virtue of this order be transferred to and vest in the corporation of the London borough so agreed or determined.

All liabilities attaching to such county council in respect of any property transferred by this paragraph to any body shall by virtue of this order be transferred to and attach to such body.

(4) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, a county council in respect of any property or liabilities transferred by paragraph (2) or (3) to any body shall be of full force and effect in favour of, or against, such body.

(5) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, a county council in respect of any property or liabilities transferred by paragraph (2) or (3) to any body shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, such body.

(6) In relation to any property transferred by paragraph (2) or (3) to any body, the appropriate Minister may require that such facilities as he may indicate shall, for such period and on such terms and conditions as he may indicate, be granted to any other or others of the following councils, namely the London borough councils, the Common Council and the county councils of Hertfordshire and Surrey, or in the case of any property transferred by paragraph (3) from the county council of Essex or Kent to that council, and

(i) any such requirement may from time to time be renewed, with or without modifications, or revoked,

(ii) while any such requirement is in force, no agreement as to the use of the property shall be entered into which would be incompatible with such requirement.

(7) In relation to any property, whether situated in or outside Greater London, held by the county council of Essex, Hertfordshire, Kent or Surrey for the purposes of the specified functions and not transferred by paragraph (3), the appropriate Minister may require that such facilities (additional to those ensured by article 4(2) in the case of any property in Greater London or the urban district of Potters Bar, Staines or Sunbury-on-Thames) as he may indicate shall, for such period and on such terms and conditions as he may indicate, be granted to any other of the relevant councils, and

- (i) any such requirement may from time to time be renewed, with or without modifications, or revoked,
- (ii) while any such requirement is in force, no agreement as to the use of the property shall be entered into which would be incompatible with such requirement.

(8) For the purposes of this article, any land held by the London County Council or the county council of Middlesex, Essex, Hertfordshire, Kent or Surrey shall be deemed to have been allocated for the purposes of the specified functions if its use for such purpose has been approved by a resolution of the council.

*Transfer of specified classes of property, etc.*

12.—(1) Nothing in this article applies to—

- (a) any matter specified in paragraph (1) of article 5 or provided for in paragraph (2) of that article ;
- (b) any highway or any matter provided for in article 6 ;
- (c) any property described in column (2) of Schedule 1 (or of any extension thereof described in article 7), and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto ;
- (d) any property provided for in article 8, 9, 10 or 11, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto ;
- (e) property held for the purposes of, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation to, the functions of the London County Council or the county council of Middlesex under the Small Dwellings Acquisition Act 1899(a), the Housing Act 1957, the Housing (Financial Provisions) Act 1958(b), the House Purchase and Housing Act 1959(c) and the Housing Act 1961(d) ;
- (f) property held for the purposes of, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation to, the functions of the county council of Essex, Hertfordshire, Kent or Surrey
  - (i) under the Acts mentioned in sub-paragraph (e), or
  - (ii) in relation to smallholdings or cottage holdings ;

(a) 62 & 63 Vict. c. 44.  
(c) 7 & 8 Eliz. 2. c. 33.

(b) 6 & 7 Eliz. 2. c. 42.  
(d) 9 & 10 Eliz. 2. c. 65.

- (g) any Green Belt land vested in the county council of Essex, Hertfordshire, Kent or Surrey, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto ;
- (h) any Green Belt land vested in the council of any county borough, metropolitan borough or county district abolished by section 3(1) of the Act, and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto ;
- (i) the properties specified in Schedule 2 (or in any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965), and liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending, and causes of action or proceeding existing in relation thereto.
- (2) All property vested in an authority named in column (1) of Part I, II or III of Schedule 3 and within any description of matters specified in respect of such authority in column (2) and all liabilities attaching to the said authority in respect of any such property shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such description of matters in column (3).
- (3) All other liabilities attaching to an authority named in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall by virtue of this order be transferred to and attach to the authority specified in respect of such description of matters in column (3).
- (4) All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, an authority named in the said column (1) in respect of any property or liability transferred by paragraph (2) or (3) shall be of full force and effect in favour of, or against, the authority to whom such property or liability is transferred.
- (5) All other contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all other notices in force which were given by, or to, an authority named in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall be of full force and effect in favour of, or against, the authority specified in respect of such description of matters in column (3).
- (6) Any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in the said column (1) in respect of any property or liability transferred by paragraph (2) or (3) shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority to whom such property or liability is transferred.
- (7) Any other action or proceeding or any other cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in the said column (1) and within any description of matters specified in respect of such authority in column (2) shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such description of matters in column (3).

*Fittings, furniture, equipment and stores*

13.—(1) Where by article 4(2) any right to the continued use of any accommodation used for the purposes of any functions is ensured for any authority, the fittings, furniture, equipment and stores in such accommodation provided exclusively for the purposes of such functions, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall, except in so far as such authority shall otherwise agree, by virtue of this order be transferred to such authority.

(2) Subject to paragraph (1), where by the Act or articles 7 to 12 any building is transferred to and vested in any authority, the fittings, furniture, equipment and stores in such building, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall, except in so far as such authority shall otherwise agree, by virtue of this order be transferred to such authority.

(3) For the purposes of this article, any vehicles used wholly or mainly in the performance of the functions carried out in any accommodation or building shall be deemed to be equipment therein.

*Mobile equipment, etc.*

14.—(1) Such property held wholly or mainly for police purposes by the county council of Essex or the standing joint committee for the county, not being property transferred by article 12 or 13, as before 1st April 1965 shall have been determined by agreement between the said standing joint committee and the Receiver for the Metropolitan Police District or in default of agreement by the Secretary of State, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall by virtue of this order be transferred to the said Receiver.

(2) Such property held by the county council of Essex, Hertfordshire, Kent or Surrey wholly or mainly for the purposes of their functions as a fire authority, not being property transferred by article 12 or 13, as before 1st April 1965 shall have been determined by agreement between such county council and the Greater London Council or in default of agreement by the Secretary of State, and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall by virtue of this order be transferred to the Greater London Council.

(3) Such other property held by an authority named in column (1) of the following table, not being property transferred by articles 7 to 13, as before 1st April 1965 shall have been determined by agreement between the said authority and any authority specified in respect of such authority in column (2), and all liabilities incurred, contracts, deeds, bonds, agreements and other instruments subsisting, notices given, actions and proceedings pending and causes of action or proceeding existing in relation thereto, shall by virtue of this order be transferred to such authority specified in column (2).

TABLE

(1)	(2)
The London County Council.	The Greater London Council. The council of any inner London borough or the London borough of Newham. The Common Council.



(1)	(2)
The county council of Middlesex.	The Greater London Council. The council of the London borough of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow or Richmond upon Thames.
	The county council of Hertfordshire or Surrey.
	The urban district council of Potters Bar, Staines or Sunbury-on-Thames.
The county council of Essex.	The Greater London Council. The council of the London borough of Barking, Havering, Newham, Redbridge or Waltham Forest.
	The Greater London Council. The council of the London borough of Barnet.
The county council of Hertfordshire.	
	The Greater London Council. The council of the London borough of Bexley or Bromley.
The county council of Kent.	
	The Greater London Council. The council of the London borough of Croydon, Kingston upon Thames, Merton, Richmond upon Thames or Sutton.
The county council of Surrey.	
	The Greater London Council. The council of the London borough of Redbridge.
The urban district council of Chigwell.	
	The Greater London Council.
The council of the borough of Croydon, East Ham or West Ham.	

*Transfer of certain funds and balances*

15.—(1) The county fund of the administrative county of London, the county fund, capital fund and insurance fund of the county of Middlesex and the revenue accounts of the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board and the Richmond Main Sewerage Board shall by virtue of this order be transferred to the Greater London Council, but subject to the provisions of articles 18 to 20.

(2) The general rate fund and any renewal and repairs fund or capital fund of the metropolitan borough of Wandsworth, the metropolitan borough of Woolwich, the borough of Barking or Dagenham or the urban district of Chislehurst and Sidcup shall by virtue of this order be transferred to the corporation of the London borough of Wandsworth, Greenwich, Barking or Bexley, as the case may be, but subject to the provisions of article 22.

*Residual transfer of property etc.*

16.—(1) Paragraph (1) of article 12, except sub-paragraphs (e) and (h) thereof, applies to this article as it applies to article 12.

(2) Subject to the provisions of articles 12 to 15—

- (a) all property and liabilities vested in or attaching to an authority named in column (1) of Schedule 4 (or of any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965) shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such authority in column (2);
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, an authority named in column (1) of Schedule 4 (or of any extension thereof as aforesaid) shall be of full force and effect in favour of, or against, the authority specified in respect of such authority in column (2);
- (c) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in column (1) of Schedule 4 (or of any extension thereof as aforesaid) shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such authority in column (2).

*Liabilities in respect of money borrowed by certain authorities*

17. Where any authority named in column (1) of Schedule 4 (or of any extension thereof described in article 16) maintains a loans pool or consolidated loans fund, any liability of such authority in respect of money borrowed, and any loans pool or consolidated loans fund of such authority, shall by virtue of this order be transferred to and vest in or attach to the authority specified in respect of such authority in column (2), and—

- (i) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, an authority named in the said column (1) in respect of such liabilities, pool or fund shall be of full force and effect in favour of, or against, the authority specified in respect of such authority in column (2);
- (ii) any action or proceeding or any cause of action or proceeding, pending or existing at 1st April 1965, by, or against, an authority named in the said column (1) in respect of such liabilities, pool or fund shall not be prejudicially affected by reason of the Act, and may be continued, prosecuted and enforced by, or against, the authority specified in respect of such authority in column (2).

and nothing in articles 5 to 16 shall apply to any such matter.

The transfer by this article of a loans pool or consolidated loans fund to any authority shall not require or empower the maintenance of such a pool or fund by that authority.

*Apportionments*

18.—(1) The balance on the general county account of the administrative county of London apart from the following funds and accounts, namely—

- the housing repairs and renewals fund
- the mechanical vehicles (housing) repairs and renewals fund
- the Royal Festival Hall repairs and renewals fund
- the Crystal Palace fund
- the main drainage account,

shall be payable to the rating authorities of the relevant London boroughs, the City, the Inner Temple and the Middle Temple in the proportions which the products of rates of one penny in the pound for the several

boroughs (or in the case of the London borough of Newham of the part of the existing metropolitan borough of Woolwich comprised therein), the City, the Inner Temple and the Middle Temple bear to the product of a rate of one penny in the pound for the county.

The balance on the said main drainage account shall be payable to the rating authorities of the inner London boroughs, the London boroughs of Barking, Barnet, Brent, Bromley, Croydon, Ealing, Haringey, Hounslow, Newham, Redbridge and Waltham Forest, the City, the Inner Temple and the Middle Temple in the proportions which the products of rates of one penny in the pound for the portions of the area chargeable as regards main drainage comprised in such areas bear to the product of a rate of one penny in the pound for the whole of such area.

(2) The balance on the special county account of the administrative county of London shall be payable to the rating authorities of the relevant London boroughs in the proportions which the products of rates of one penny in the pound for the several boroughs (or in the case of the London borough of Newham for the part of the existing metropolitan borough of Woolwich comprised therein) bear to the product of a rate of one penny in the pound for the county.

19.—(1) There shall be ascertained the amounts which bear to—

- (a) the balance on the general county account,
- (b) the balance on the Small Dwellings Acquisition Acts account,
- (c) the balances on the capital fund and the insurance fund, respectively,

of the county of Middlesex the proportions which the products of rates of one penny in the pound for the area of the county comprised in Greater London, the urban district of Potters Bar and the urban districts of Staines and Sunbury-on-Thames bear to the product of a rate of one penny in the pound for the county.

The first amounts so ascertained shall be payable to the councils of the relevant London boroughs in the proportions which the products of rates of one penny in the pound for the several boroughs bear to the product of a rate of one penny in the pound for all the relevant boroughs. In the application of this sub-paragraph the London borough of Barnet shall be deemed not to comprise the areas of the existing urban districts of Barnet and East Barnet, and the London borough of Richmond upon Thames shall be deemed to comprise only the area of the existing borough of Twickenham.

The second amounts so ascertained in the case of items (a) and (b) shall be payable to the county council of Hertfordshire. The second amount so ascertained in the case of item (c) shall be payable to the urban district council of Potters Bar.

The third amounts so ascertained in the case of items (a) and (b) shall be payable to the county council of Surrey. The third amounts so ascertained in the case of item (c) shall be payable to the councils of the urban districts of Staines and Sunbury-on-Thames in the proportions which the products of rates of one penny in the pound for the several urban districts bear to the product of a rate of one penny in the pound for both urban districts.

(2) The outstanding amount of all repayable advances from the capital fund of the county of Middlesex shall, immediately before 1st April 1965, be allocated to the councils of the relevant London boroughs and the urban districts of Potters Bar, Staines and Sunbury-on-Thames in the proportions which the products of rates of one penny in the pound for the several boroughs and urban districts bear to the product of a rate of one penny in the pound for all such boroughs and urban districts. In the application of this paragraph the London borough of Barnet shall be deemed not to comprise the areas of the existing urban districts of Barnet and East Barnet, and the London borough of Richmond upon Thames shall be deemed to comprise only the area of the existing borough of Twickenham.

Where the amount allocated to the council of any London borough exceeds the amount of the repayable advances from the said capital fund in respect of matters transferred by the Act or this order to such council, the amount of the excess shall be applied in cancellation of liabilities to the consolidated loans fund maintained by the county council of Middlesex (and transferred by article 17 to the Greater London Council) which would under article 30 fall to be discharged by such London borough council.

Where the amount of the repayable advances from the said capital fund in respect of matters transferred by the Act or this order to the council of a London borough exceeds the amount allocated to such council, the amount of the excess shall be deemed to have been advanced from the said consolidated loans fund to such London borough council.

The amount allocated to the urban district council of Potters Bar, Staines or Sunbury-on-Thames shall be payable to the council and shall be applied by them towards the discharge of any debt or otherwise for any purpose for which capital money may properly be applied.

The repayable advances from the said capital fund in respect of any matter transferred by this order to the county council of Hertfordshire or Surrey shall be deemed to have been advanced from the consolidated loans fund aforesaid to such county council.

(3) The balance on the special county account of the county of Middlesex kept as respects any purpose, other than the Small Dwellings Acquisition Acts account, shall be payable to the councils of the London boroughs and urban districts in which the area chargeable as respects such purpose is comprised on and after 1st April 1965 in the proportions which the products of rates of one penny in the pound for the portions of such area comprised in the several boroughs and urban districts bear to the product of a rate of one penny in the pound for the whole of such area.

20. The balance on the revenue account of the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board or the Richmond Main Sewerage Board shall be payable to the councils of the London boroughs in which the area chargeable as respects the expenses of the authority or board is comprised in the proportions which the products of rates of one penny in the pound for the portions of such area comprised in the several boroughs bear to the product of a rate of one penny in the pound for the whole of such area.

21.—(1) There shall be ascertained the amounts which bear to—

(a) the balance on the general account apart from the smallholdings account,

(b) the balances on the capital fund, the renewal and repairs fund and the insurance fund, respectively,

(c) the outstanding amounts of all repayable advances from the capital fund and the renewal and repairs fund, respectively,

of the county of Essex, Hertfordshire, Kent or Surrey the proportion which the product of a rate of one penny in the pound for the area of the county comprised in Greater London bears to the product of a rate of one penny in the pound for the county.

The said amounts shall be payable, in the case of the county of Hertfordshire to the council of the London borough of Barnet, and in the case of the county of Essex, Kent or Surrey to the councils of the relevant London boroughs in the proportions which the products of rates of one penny in the pound for the several boroughs bear to the product of a rate of one penny in the pound for all the relevant boroughs. In the application of this sub-paragraph the London borough of Newham shall be deemed to comprise only the part of the existing borough of Barking comprised therein and the London borough of Croydon shall be deemed to comprise only the area of the existing urban district of Coulsdon and Purley.

(2) There shall be ascertained the amount which bears to the balance on the special county account of the county of Essex, Hertfordshire, Kent or Surrey kept as respects any purpose the proportion which the product of a rate of one penny in the pound for the area chargeable as respects that purpose comprised in Greater London bears to the product of a rate of one penny in the pound for the whole of the area chargeable as respects such purpose, and such amount shall be payable to the councils of the London boroughs in which the area chargeable as first aforesaid is comprised in the proportions which the products of rates of one penny in the pound for the portions of such area comprised in the several boroughs bear to the product of a rate of one penny in the pound for such area.

22. There shall be ascertained the amounts which bear to—

(a) the balance on the housing revenue account,

(b) the balance on the housing repairs account,

(c) the balance on the general rate fund account other than the said accounts,

(d) the balances on any capital fund and renewal and repairs fund, respectively,

(e) the outstanding amounts of all repayable advances from any capital fund and renewal and repairs fund, respectively,

of an area named in column (1) of the following table the proportion which the product of a rate of one penny in the pound for the area specified in respect of such first-mentioned area in column (2) bears to the product of a rate of one penny in the pound for the first-mentioned area. The said amounts shall be payable by the council of the area so specified in column (3) to the council of the London borough so specified in column (4).

TABLE

(1)	(2)	(3)	(4)
The metropolitan borough of Wandsworth	The area of the metropolitan borough included in the London borough of Lambeth	The London borough of Wandsworth	The London borough of Lambeth.
The metropolitan borough of Woolwich	The area of the metropolitan borough included in the London borough of Newham	The London borough of Greenwich	} The London borough of Newham.
The borough of Barking	The area of the borough included in the London borough of Newham	The London borough of Barking	
The borough of Dagenham	The area of the borough included in the London borough of Redbridge	The London borough of Barking	} The London borough of Redbridge.
The urban district of Chigwell	The area of the urban district included in the London borough of Redbridge	The urban district of Chigwell	
The urban district of Chislehurst and Sidcup	The area of the urban district included in the London borough of Bromley	The London borough of Bexley	The London borough of Bromley.

23.—(1) In articles 18 to 22, any reference to the product of a rate of one penny in the pound for any area is a reference to such product for the year 1964-65, being—

- (a) in a case where that product has been ascertained or estimated by the rating authority for the purposes of section 9(2) of the Rating and Valuation Act 1925(a), that product as so ascertained or, if not ascertained at the date when, under article 24, the last payments are required to be made or the last allowances are required, estimated ;
- (b) in the case of any other part of a rating area, that product estimated by the rating authority in like manner as it would fall to be estimated for the purposes of paragraph (d) of the said section 9(2) ;
- (c) such aggregate of the products defined in (a) and (b) as may be appropriate.

(2) In articles 18 to 22, “ the relevant London boroughs ”, in relation to any area, means the London boroughs specified in respect of such area in the following table.

TABLE

(1)	(2)
The administrative county of London.	The inner London boroughs and the London borough of Newham.
The county of Middlesex ... ..	The London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon, Hounslow and Richmond upon Thames.
The county of Essex ... ..	The London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest.
The county of Kent ... ..	The London boroughs of Bexley and Bromley.
The county of Surrey ... ..	The London boroughs of Croydon, Kingston-upon-Thames, Merton, Richmond - upon - Thames and Sutton.

(3) Any reference in articles 18 to 22 to the balance on any account or fund is a reference to the balance on that account or fund immediately before 1st April 1965 and in the determination of any such balance investments of the account or fund shall be taken into account at their latest middle market price before such date.

(4) If any balance on any fund or account referred to in articles 18 to 22 is negative, the provision in the said articles and in article 24 applicable thereto shall have effect with the substitution, for any expression relating to an amount payable by any authority, or the payment of such amount or the allowance of abatements from amounts due under precepts, of an expression relating to an amount recoverable by such authority, or the recovery of such amount or the adjustment of amounts due under precepts.

24.—(1) Any amount payable under article 19 to the county council of Hertfordshire or Surrey or the urban district council of Potters Bar, Staines or Sunbury-on-Thames shall be paid by the Greater London Council. One-third of the amount estimated under article 25 shall be paid before 31st May 1965 and a further one-third of such amount before 30th September 1965. The balance of the amount payable shall be paid before 31st January 1966.

(2) Any other amount payable under article 18, 19 or 20 to any authority shall be paid by the Greater London Council by the allowance of abatements from the amounts due under the precepts of the Council to the authority in respect of the year 1965-66. Two-thirds of the amount estimated under article 25 shall be allowed against payments on account of the total amount due under the precept before 1st October 1965 and the balance of the amount payable against the remaining payments on account of the total amount due under the precept.

(3) Any amounts payable under article 21 to any London borough council in respect of the outstanding amounts of repayable advances from the capital fund, renewal and repairs fund and insurance fund of the county of Essex, Hertfordshire, Kent or Surrey shall be paid by the county council of such county by the allowance of abatements from the amounts payable by the London borough council under article 30.

(4) In relation to any other amount payable under article 21 by the county council of Essex, Hertfordshire, Kent or Surrey to any London borough council, one-third of the amount estimated under article 25 shall be paid before 31st May 1965 and a further one-third of such amount before 30th September 1965. The balance of the amount payable shall be paid before 31st January 1966.

(5) Any amount payable under article 22 in respect of the outstanding amount of repayable advances from a capital fund or renewal and repairs fund shall be paid by the council of the London borough specified in column (3) of the table in that article out of repayments to the capital fund or the renewal and repairs fund, as the case may be, received by that council or, if the councils concerned agree, by the allowance of abatements from the amounts payable to the council specified in column (3) under article 30.

(6) Any other amount payable under article 22 shall be paid by the council of the London borough specified in column (3) of the table in that article. One-third of the amount estimated under article 25 shall be paid before 31st May 1965 and a further one-third of such amount before 30th September 1965. The balance of the amount payable shall be paid before 31st January 1966.

(7) The provision of paragraphs (1), (4) and (6) as to the instalments and dates of payment may be varied by the agreement of the councils concerned.

**25.—(1)** The comptroller of the administrative county of London, the county treasurer of the administrative county of Middlesex, Essex, Hertfordshire, Kent or Surrey, or the treasurer of the metropolitan borough of Wandsworth or Woolwich, borough of Barking or Dagenham or urban district of Chigwell or Chislehurst and Sidcup shall, not later than 8th February 1965, estimate—

(a) the amount which will on 31st March 1965 fall to be apportioned under any provision in articles 18, 19, 21 or 22 ;

(b) the amounts thereof which have been the subject of such agreements as are described in article 27 ;

(c) the amounts which remain payable to any authorities,

and transmit the estimated figures to the Minister and—

in the case of the comptroller of the administrative county of London, to the rating authorities of the relevant London boroughs, the City, the Inner Temple and the Middle Temple ;

in the case of the county treasurer of the county of Middlesex, to the councils of the relevant London boroughs, the county councils of Hertfordshire and Surrey and the urban district councils of Potters Bar, Staines and Sunbury-on-Thames ;

in the case of the treasurer of any other area, to the councils of the relevant London boroughs.

In this paragraph, “ the relevant London boroughs ” has, in relation to the administrative county of London, Middlesex, Essex, Kent or Surrey the same meaning as in article 23, and in relation to any other area means the London boroughs specified in respect of such area in the following table.

TABLE

(1)	(2)
The county of Hertfordshire.	The London borough of Barnet.
The metropolitan borough of Wandsworth.	The London boroughs of Lambeth and Wandsworth.
The metropolitan borough of Woolwich.	The London boroughs of Greenwich and Newham.
The borough of Barking.	The London boroughs of Barking and Newham.
The borough of Dagenham.	The London boroughs of Barking and Redbridge.
The urban district of Chigwell.	The London borough of Redbridge.
The urban district of Chislehurst and Sidcup.	The London boroughs of Bexley and Bromley.

(2) The treasurer of any other borough, metropolitan borough or urban district named in column (1) of Schedule 4 shall, not later than 8th February 1965, estimate the amounts which will on 31st March 1965 be standing as balances in the housing revenue account, the housing repairs account, the general rate fund other than such accounts and any capital fund, renewal and repairs fund or insurance fund of the area and transmit the estimated figures to the council of the London borough specified in respect of such area in column (2) and to the Minister.



26. The provision made in articles 18 to 25 is without prejudice to any adjustment under section 151 of the Local Government Act 1933(a) as applied by section 84(5) of the Act.

*Agreements as to treatment of particular amounts*

27. The authority to whom any account or fund is transferred by this order, and the authorities to whom amounts of any account or fund are payable under this order, may agree that any particular amount in the account or fund shall be payable to or retained by any authority notwithstanding any provision of this order.

*Liabilities to certain funds*

28. Where by virtue of the Act or this order any matter for the purposes of which in pursuance of section 8(1) of the Local Authorities Loans Act 1945(b) moneys forming part of a capital fund, within the meaning of that Act, to which this article applies have been used is transferred to an authority other than the authority by whom such fund is maintained on and after 1st April 1965, the provisions of paragraph (a) of the said subsection, and paragraph (b) thereof in so far as it relates to the debiting of accounts, shall be applicable to the first-mentioned authority.

This article applies to any capital fund, within the meaning of the said subsection, transferred by article 15 or 16 or maintained by the Common Council, the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell.

29. Where by virtue of the Act or this order any matter in respect of which advances from a capital fund to which this article applies are not fully repaid is transferred to an authority other than the authority by whom such fund is maintained on and after 1st April 1965, such advances shall be repaid by the first-mentioned authority in accordance with the arrangements which would have applied thereto if the Act had not been passed and this order had not been made.

This article applies to the capital fund maintained by the county council of Essex and to any capital fund within the meaning of section 1 of the Local Government (Miscellaneous Provisions) Act 1953(c) transferred by article 15 or 16 or maintained by the county council of Kent or Surrey or the urban district council of Chigwell.

30. Where by virtue of the Act or this order any matter in respect of which, if the Act had not been passed and this order had not been made, sums would have become due and owing to a loans pool or consolidated loans fund transferred by article 17 or maintained by the county council of Essex, Hertfordshire, Kent or Surrey or the urban district council of Chigwell is transferred to an authority other than the authority to whom such pool or fund is so transferred or other than such county council or urban district council, as the case may be, such sums shall be paid by the first-mentioned authority to the last-mentioned authority :

Provided that the said authorities and the lender may agree for the transfer to the first-mentioned authority of the liability with respect to any outstanding loan.

*General provisions as to property etc. transferred*

31. Any property or liability transferred by the preceding articles of this order to the authority for any area, other than the hereditaments, rents and

(a) 23 & 24 Geo. 5. c. 51.

(c) 1 & 2 Eliz. 2. c. 26.

(b) 8 & 9 Geo. 6. c. 18.

profits, common lands and public stock and property held for any charitable use or trust as to which provision is made in article 40, shall be held or discharged by them in respect of the area.

32. Any land held for the purposes of an enactment specified in columns (1) and (2) of Schedule 5 (or of any extension thereof contained in any further order under section 84 of the Act made before 1st April 1965) and transferred by the Act or this order to any authority shall be held by that authority for the purposes of the enactment specified in respect of such first-mentioned enactment in column (3).

33. Any byelaws in force for the regulation of any property transferred by the Act or the preceding articles of this order shall have effect as if they had been made by the authority to whom such property is transferred.

Where any such byelaws were made for the purposes of an enactment specified in columns (1) and (2) of Schedule 5 (or in any extension thereof described in article 32) they may be amended or revoked by the said authority as if made for the purposes of the enactment specified in respect of such first-mentioned enactment in column (2).

34. Any authorisation of the borrowing of money in force in respect of any property or liability transferred by the Act or the preceding articles of this order may, in so far as it has not been acted on, and notwithstanding the repeal by any order made under sections 84 and 87 of the Act of the provision effecting or empowering the authorisation, but subject to the terms applicable thereto, be acted on by the authority to whom such property or liability is transferred.

In this article, any reference to the transfer of property by the Act includes the vesting of a highway in a highway authority by virtue of section 226 of the Highways Act 1959.

35. Subject to article 11(6)(ii) and (7)(ii), the provision made by the preceding articles of this order other than articles 18 to 26 is without prejudice to—

- (a) any agreement, or arbitration in default of agreement, as to the use of any property transferred by the Act or this order;
- (b) any scheme under section 32 of the Act;
- (c) any agreement which may be made under section 151 of the Local Government Act 1933, as applied by section 84(5) of the Act, for payment in respect of any matter transferred by the Act or the said articles, or arbitration in default of such agreement;
- (d) any adjustment under the said section 151, as so applied, in relation to matters not transferred by the Act or this order.

36. All legal proceedings pending at 1st April 1965 may be amended in such manner as may be necessary or proper in consequence of the Act or the preceding articles of this order.

#### *Security for loans*

37. Where under this order or any adjustment made in consequence of the Act any liability or part of a liability charged indifferently on all the revenues of a public body or on any particular revenues or fund of such body is transferred to another public body, the liability or part of the liability shall be charged indifferently on all the revenues of the public body to whom it is transferred and shall cease to be a charge on any revenues or fund of the public body from whom it is transferred.

In this article, "public body" and "revenues" have the same meaning as in the Local Government Act 1933.

*Capital and annual payments*

38. Any payment made under this order or any adjustment made in consequence of the Act in respect of any liability for the redemption of a loan shall for tax purposes be deemed to be a capital payment, and any payment so made in respect of interest shall for tax purposes be deemed to be an annual payment.

*Audit of accounts*

39. The accounts of any authority named in column (1) of Schedule 4 (or of any extension thereof described in article 16) and of the committees and officers thereof shall be made up to 31st March 1965 and shall be audited in like manner and subject to the like incidents and consequences as if the Act had not been passed:

Provided that any sum certified by a district auditor at any such audit as due from any person shall be paid to the authority specified in respect of such authority in column (2).

*Freemen*

40. Every person who, if the Municipal Corporations Act 1835(a) had not been passed, might have been admitted a freeman of a borough to which this article applies otherwise than by gift or purchase and

- (a) every inhabitant immediately before 1st April 1965 of such borough ;  
or
- (b) the wife, widow, son or daughter of a freeman of such borough ; or
- (c) the husband of a daughter or of a widow of a freeman of such borough ; or
- (d) any person who for the time being is bound apprentice to a freeman of such borough,

shall, subject to the provisions of Part XIV of the Local Government Act 1933, have and enjoy and be entitled to acquire and enjoy the same share and benefit of the hereditaments, and of the rents and profits thereof, and of the common lands and public stock held by the borough or body corporate immediately before 1st April 1965, and of any property held in whole or in part for any charitable use or trust, as if the Municipal Corporations Act 1835, the Municipal Corporations Act 1882(b), the Local Government Act 1933 and the Act had not been passed.

This article applies to the existing boroughs of Acton, Barking, Barnes, Beckenham, Beddington and Wallington, Bexley, Brentford and Chiswick, Bromley, Chingford, Croydon, Dagenham, Ealing, East Ham, Edmonton, Enfield, Erith, Finchley, Harrow, Hendon, Heston and Isleworth, Hornsey, Ilford, Kingston-upon-Thames, Leyton, Malden and Coombe, Mitcham, Richmond, Romford, Southall, Southgate, Surbiton, Sutton and Cheam, Tottenham, Twickenham, Uxbridge, Walthamstow, Wanstead and Woodford, Wembley, West Ham, Willesden, Wimbledon and Wood Green.

(a) 5 & 6 Will. 4. c. 76.

(b) 45 & 46 Vict. c. 50.

**SCHEDULE 1**  
**TRANSFER OF PARTICULAR PROPERTIES**  
*(Article 7)*

(1) Transferor authority	(2) Property	(3) Transferee authority
The London County Council	Ardale School, Stifford, near Grays	The county council of Essex
do.	Mayford School, Mayford Green, Woking	The county council of Surrey
do.	Mile Oak School, Portslade	The county council of East Sussex
The county council of Middlesex	Pishiobury School, Sawbridgeworth	The county council of Hertfordshire
The county council of Essex	13 acres of land adjoining Becontree Secondary School, No. 4136, Ilford	The corporation of the London borough of Barking
do.	Wanstead Rugby Football Ground, Nutter Lane, Wanstead	The corporation of the London borough of Waltham Forest
do.	Wanstead Playing Field, Nutter Lane, Wanstead	do.

**SCHEDULE 2**

**PARTICULAR PROPERTIES EXCLUDED FROM PROVISIONS OF ARTICLES 12 AND 16**  
*(Articles 12 and 16)*

*Property of the county council of Essex*

Camping Equipment Store and Repair Depot, St. Georges Store, Hainault Road, Leyton.

Annexe to Brentwood Teacher Training College, No. 9320, Harold Court, Harold Wood.

**SCHEDULE 3**

**TRANSFER OF SPECIFIED CLASSES OF PROPERTY ETC.**  
*(Article 12)*

**In this Schedule—**

“Greater London matters” means—

(i) in the case of property, property held for the purposes of functions exercisable in Greater London on and after 1st April 1965 by the Greater London Council otherwise than—

(a) as the highway authority for metropolitan roads ;

(b) by virtue of section 21 of the Act (Housing powers in Greater London) ; or

(c) by virtue of section 58 of the Act (Parks and open spaces) ;

(ii) in the case of liabilities, liabilities incurred in relation to such functions ;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to such functions ;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to such functions,

**but if specified as such matters in relation to any area, include only—**

(i) in the case of property, sited property situated in, and other property held exclusively in respect of, the area ;

(ii) in the case of liabilities, liabilities incurred exclusively in respect of the area ;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given exclusively in respect of the area ;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing exclusively in respect of the area,

and for the purposes of this definition places provided by an authority named in column (1) of Part I of this Schedule for the deposit of refuse, whether for the initial deposit of refuse removed by the authority or for the final deposit of refuse, shall be deemed to be held for the purposes of functions exercisable as aforesaid ;

“ borough matters ”, “ police matters ” and “ local matters ”, in relation to any area, mean—

(i) in the case of property, sited property situated in, and other property held exclusively in respect of, the area, being in either case property held for the purposes of the relevant functions ;

(ii) in the case of liabilities, liabilities incurred in relation to the relevant functions and exclusively in respect of the area ;

(iii) in the case of contracts, deeds, bonds, agreements and other instruments, and notices, such instruments subsisting and notices given in relation to the relevant functions and exclusively in respect of the area ;

(iv) in the case of actions and proceedings and causes of action or proceeding, such actions and proceedings pending or causes existing in relation to the relevant functions and exclusively in respect of the area ;

and for the purposes of the foregoing definitions—

“ the relevant functions ” means—

(a) in the case of borough matters, functions exercisable on and after 1st April 1965 by the council of the London borough constituting or including the area in respect of which the matters in question are specified or the Common Council, as the case may be ;

(b) in the case of police matters, functions exercisable for police purposes including the purposes of section 2 of the Road Traffic and Roads Improvement Act 1960(a) ;

(c) in the case of local matters, functions exercisable on and after 1st April 1965 by the county council of Hertfordshire or Surrey, as the case may be ; and

“ sited property ” means—

land ;

buildings ;

in the case of borough matters and outside the Inner London Education Area, and in the case of local matters, fittings, furniture, equipment and stores supplied in respect of a voluntary school ;

in the case of Greater London matters, signs for indicating speed restrictions ;

in the case of borough matters, lamps, lamp posts and other apparatus for public lighting ;

in the case of borough matters, parking meters.

PART I—GREATER LONDON MATTERS

(1) Transferor authority	(2) Matters transferred	(3) Transferee authority
<p>The City Corporation ... ..</p> <p>The council of any county borough, metropolitan borough or county district abolished by section 3(1) of the Act</p> <p>The county council of Essex, Hertfordshire, Kent or Surrey</p> <p>The council of the urban district of Chigwell ...</p>	<p>Greater London matters ... ..</p> <p>Greater London matters in relation to the area of the county included in Greater London</p> <p>Greater London matters in relation to the area of the urban district included in Greater London</p>	<p>The Greater London Council.</p>

## PART II—BOROUGH MATTERS

(1) Transferor authority	(2) Matters transferred	(3) Transferee authority
The London County Council ... ..	Borough matters in relation to any London borough or the City	The corporation of the London borough or the City Corporation.
The county council of Middlesex, Essex, Hertfordshire, Kent or Surrey	Borough matters in relation to the area of the metropolitan borough included in the London borough of Lambeth	The corporation of the London borough of Lambeth.
The council of the metropolitan borough of Wandsworth	Borough matters in relation to the area of the metropolitan borough included in the London borough of Newham	The corporation of the London borough of Newham.
The council of the metropolitan borough of Woolwich	Borough matters in relation to the area of the borough included in the London borough of Newham	The corporation of the London borough of Newham.
The corporation of the borough of Barking ...	Borough matters in relation to the area of the borough included in the London borough of Redbridge	The corporation of the London borough of Redbridge.
The corporation of the borough of Dagenham	Borough matters in relation to the area of the urban district included in the London borough of Redbridge	The corporation of the London borough of Bromley.
The council of the urban district of Chigwell ...	Borough matters in relation to the area of the urban district included in the London borough of Bromley	The corporation of the London borough of Bromley.

## PART III—OTHER MATTERS

(1) Transferor authority	(2) Matters transferred	(3) Transferee authority
The county council of Essex ... ..	} Police matters in relation to the London borough of Havering	The Receiver for the Metropolitan Police District.
The standing joint committee for Essex ... ..		
The corporation of the borough of Romford	} Local matters in relation to the urban district of Potters Bar	The county council of Hertfordshire.
The council of the urban district of Chigwell		
The county council of Middlesex ... ..	} Local matters in relation to the urban districts of Staines and Sunbury-on-Thames	The county council of Surrey.



## SCHEDULE 4

## RESIDUAL TRANSFER OF PROPERTY ETC.: AUDIT OF ACCOUNTS

*(Articles 16, 17 and 39)*

(1)	(2)
The London County Council ... ..	} The Greater London Council.
The county council of Middlesex ... ..	
The council of the metropolitan borough of Westminster, Paddington or St. Marylebone	The corporation of the new city of Westminster.
The council of the metropolitan borough of Hampstead, Holborn or St. Pancras	The corporation of the London borough of Camden.
The council of the metropolitan borough of Finsbury or Islington	The corporation of the London borough of Islington.
The council of the metropolitan borough of Hackney, Shoreditch or Stoke Newington	The corporation of the London borough of Hackney.
The council of the metropolitan borough of Bethnal Green, Poplar or Stepney	The corporation of the London borough of Tower Hamlets.
The council of the metropolitan borough of Greenwich or Woolwich	The corporation of the London borough of Greenwich.
The council of the metropolitan borough of Deptford or Lewisham	The corporation of the London borough of Lewisham.
The council of the metropolitan borough of Bermondsey, Camberwell or Southwark	The corporation of the London borough of Southwark.
The council of the metropolitan borough of Lambeth	The corporation of the London borough of Lambeth.
The council of the metropolitan borough of Battersea or Wandsworth	The corporation of the London borough of Wandsworth.
The council of the metropolitan borough of Fulham or Hammersmith	The corporation of the London borough of Hammersmith.
The council of the metropolitan borough of Chelsea or Kensington	The corporation of the Royal borough of Kensington and Chelsea.
The corporation of the borough of Chingford, Leyton or Walthamstow	The corporation of the London borough of Waltham Forest.
The corporation of the borough of Ilford or Wanstead and Woodford	The corporation of the London borough of Redbridge.
The corporation of the borough of Romford	} The corporation of the London borough of Havering.
The council of the urban district of Hornchurch	

(1)	(2)
The corporation of the borough of Barking or Dagenham	The corporation of the London borough of Barking.
The corporation of the borough of East Ham or West Ham	The corporation of the London borough of Newham.
The corporation of the borough of Bexley or Erith	} The corporation of the London borough of Bexley.
The council of the urban district of Crayford or Chislehurst and Sidcup	
The corporation of the borough of Beckenham or Bromley	} The corporation of the London borough of Bromley.
The council of the urban district of Orpington or Penge	
The corporation of the existing borough of Croydon	} The corporation of the London borough of Croydon.
The council of the urban district of Coulsdon and Purley	
The corporation of the borough of Beddington and Wallington or Sutton and Cheam	} The corporation of the London borough of Sutton.
The council of the urban district of Carshalton	
The corporation of the borough of Mitcham or Wimbledon	} The corporation of the London borough of Merton.
The council of the urban district of Merton and Morden	
The corporation of the existing borough of Kingston-upon-Thames, Malden and Coombe or Surbiton	The corporation of the Royal borough of Kingston upon Thames.
The corporation of the borough of Barnes, Richmond or Twickenham	The corporation of the London borough of Richmond upon Thames.
The corporation of the borough of Brentford and Chiswick or Heston and Isleworth	} The corporation of the London borough of Hounslow.
The council of the urban district of Feltham	
The corporation of the borough of Uxbridge	} The corporation of the London borough of Hillingdon.
The council of the urban district of Hayes and Harlington, Ruislip—Northwood or Yiewsley and West Drayton	

(1)	(2)
The corporation of the borough of Acton, Ealing or Southall	The corporation of the London borough of Ealing.
The corporation of the borough of Wembley or Willesden	The corporation of the London borough of Brent.
The corporation of the existing borough of Harrow	The corporation of the London borough of Harrow.
The corporation of the borough of Finchley or Hendon	} The corporation of the London borough of Barnet.
The council of the urban district of Barnet, East Barnet or Friern Barnet	
The corporation of the borough of Hornsey, Tottenham or Wood Green	The corporation of the London borough of Haringey.
The corporation of the borough of Edmonton, Enfield or Southgate	The corporation of the London borough of Enfield.
The Wandle Valley Main Drainage Authority	} The Greater London Council.
The North Surrey Joint Sewage Board	
The Richmond Main Sewerage Board	
The Tottenham and Wood Green Burial Board	} The corporation of the London borough of Haringey.
The Tottenham and Wood Green Joint Drainage Committee	

**SCHEDULE 5**  
**APPROPRIATION OF LAND TO OTHER ENACTMENTS**  
*(Articles 32 and 33)*

(1) Chapter	(2) Enactment under which land is held	(3) Enactment for purpose of which land is to be held
20 & 21 Vict. c. cl.	The Finsbury Park Act 1857 ... ..	The Open Spaces Act 1906(a)
27 & 28 Vict. c. iv.	The Southwark Park Act 1864 ... ..	do.
31 & 32 Vict. c. cxi.	The Thames Embankment (North and South) Act 1868 Section 23	do.
33 & 34 Vict. c. xcii.	The Thames Embankment (North) Act 1870 Section 5	do.
34 & 35 Vict. c. lxxvii.	The Hampstead Heath Act 1871 ... ..	do.
34 & 35 Vict. c. cxxxix.	The Wandsworth Common Act 1871 ... ..	do.
36 & 37 Vict. c. 40.	The Thames Embankment Land Act 1873	do.
37 & 38 Vict. c. x.	The Leicester Square Act 1874 ... ..	do.
39 & 40 Vict. c. lxxix.	The Metropolitan Board of Works (Various Powers) Act 1876 Section 34	do.
41 & 42 Vict. c. cxlv.	The Plumstead Common Act 1878 ... ..	do.
45 Vict. c. lvi.	The Metropolitan Board of Works (Various Powers) Act 1882 Section 17 and Parts II and III of the Schedule	do.
47 & 48 Vict. c. ccxxiii.	The Metropolitan Board of Works (Various Powers) Act 1884 Section 43	do.
48 & 49 Vict. c. clxvii.	The Metropolitan Board of Works (Various Powers) Act 1885 Section 41 Section 48 Section 53	do.
49 & 50 Vict. c. xli.	The Hampstead Heath Enlargement Act 1886	do.
49 & 50 Vict. c. cxii.	The Metropolitan Board of Works (Various Powers) Act 1886 Sections 26 and 27	do.
50 & 51 Vict. c. 34.	The London Parks and Works Act 1887 save in so far as it relates to Victoria Park and Westminster Bridge	do.
50 & 51 Vict. c. cvi.	The Metropolitan Board of Works (Various Powers) Act 1887 Sections 25 and 27 Section 32	do.
50 & 51 Vict. c. cxxxvii.	The Clissold Park (Stoke Newington) Act 1887	do.
51 & 52 Vict. c. cli.	The Hampstead Heath Enlargement (Amendment) Act 1888	do.

(1) Chapter	(2) Enactment under which land is held	(3) Enactment for purpose of which land is to be held
51 & 52 Vict. c. clvi.	The Metropolitan Board of Works (Various Powers) Act 1888 Section 28 Section 30 Section 32	The Open Spaces Act 1906
52 & 53 Vict. c. cxlvii.	The Metropolitan Improvements Act 1889 Section 4 Section 6 Section 10	do.
53 & 54 Vict. c. ccxlii.	The London Council (General Powers) Act 1890 Section 4 Section 8 and Parts I to IV of Schedule A save in so far as they relate to the pro- vision of a public museum or museums Section 10	do.
54 & 55 Vict. c. ccvii.	The London County Council (General Powers) Act 1891 Section 50 Section 51 Section 52 Section 53	do.
55 & 56 Vict. c. ccxxxviii.	The London County Council (General Powers) Act 1892 Section 36	do.
56 & 57 Vict. c. lxxi.	The London Open Spaces Act 1893 ... Sections 4 and 5 Section 22	do.
62 & 63 Vict. c. ccxxxvii.	The London County Council (General Powers) Act 1899 Section 10 Section 28(1)	do.
63 & 64 Vict. c. cclxviii.	The London County Council (General Powers) Act 1900 Section 6 Sections 31 to 36	do.
1 Edw. 7. c. cclxxii.	The London County Council (General Powers) Act 1901 Section 44 Section 46	do.
2 Edw. 7. c. clxxiii.	The London County Council (General Powers) Act 1902 Section 7 Section 9 Section 12 Section 35	do.
3 Edw. 7. c. cclvii.	The Hainault (Lambourne Fox Burrows and Grange Hill) Act 1903 Sections 11 and 12 and Schedule 4	do.
5 Edw. 7. c. ccvi.	The London County Council (General Powers) Act 1905 Sections 25 and 27 Section 35 Section 38 Section 58 Section 59	do.

(1) Chapter	(2) Enactment under which land is held	(3) Enactment for purpose of which land is to be held
6 Edw. 7. c. lxxxvi.	The County Office Site (London) Act 1906 Section 4	The Local Government Act 1933, section 125
8 Edw. 7. c. cvii.	The London County Council (General Powers) Act 1908 Sections 23 to 25	The Open Spaces Act 1906
16 & 17 Geo. 5. c. xcvi.	The London County Council (General Powers) Act 1926 Section 9	do.
3 & 4 Geo. 6. c. xv.	The London County Council (General Powers) Act 1940 Section 3	do.

Given under the official seal of the Minister of Housing and Local Government on 14th September 1964.

(L.S.)

*Keith Joseph,*  
Minister of Housing and Local Government.

#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes general provision consequential on the London Government Act 1963 in relation to property, liabilities, contracts etc., notices, and actions and proceedings and causes of action or proceeding.

1964 No. 1465

## LONDON GOVERNMENT

The Greater London (Transitional Assistance)  
Regulations 1964*Made* - - - - 14th September 1964*Laid before Parliament* 14th September 1964*Coming into Operation* 19th September 1964

The Minister of Housing and Local Government, in exercise of his powers under paragraph 6 of Schedule 16 to the London Government Act 1963<sup>(a)</sup> and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the Greater London (Transitional Assistance) Regulations 1964, and shall come into operation on 19th September 1964.

2.—(1) The Interpretation Act 1889<sup>(b)</sup> applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(2) In these regulations—

“the Act” means the London Government Act 1963;

“the assessor” means the person named in regulation 3; and

“the Minister” means the Minister of Housing and Local Government.

3. Any amount which is to be determined under Schedule 16 to the Act shall be determined by Stanley William Hill, Esquire, of Arthur Collins and Company, before 15th January 1965 or such later date as the Minister may direct.

4. The assessor shall in the determination of the amounts to be determined under paragraphs 1<sup>(b)</sup> and 3(1)<sup>(b)</sup> of Schedule 16 to the Act assume—

(a) that there had been no change in the standard of services and that the staff employed in the provision of services for the reduced area of the county or the reduced area on which expenditure for special county purposes is chargeable, as the case may be, was only such as was, in the opinion of the assessor, reasonably required to maintain such standard in the circumstances which would have existed if the changes taking place under the Act on 1st April 1965 had taken place on 1st April 1964;

(b) that the London Authorities (Property etc.) Order 1964<sup>(c)</sup> had come into operation before 1st April 1964 with the substitution of references to that date for references to 1st April 1965, wherever occurring;

(c) that no compensation for loss of employment or loss or diminution of emoluments attributable to any provision of the Act or of any instrument made under the Act had been paid; and

(d) that no adjustments under section 151 of the Local Government Act 1933<sup>(d)</sup> as applied by section 84(5) of the Act, had been made.

(a) 1963 c. 33.

(b) 52 &amp; 53 Vict. c. 63.

(c) S.I. 1964/1464 (1964 III. p. 3392).

(d) 23 &amp; 24 Geo. 5. c. 51.

5. The assessor may request from the Minister such information or estimates as he may require in relation to the general grants and the rate-deficiency grants to be taken into account or assumed for the purposes of his determination of any amount.

6. Not later than 31st October 1964 the county council of Essex, Hertfordshire, Kent or Surrey shall supply to the assessor an estimate of the amounts required to be determined for the county under paragraphs 1 and 3 of Schedule 16 to the Act and shall supply copies of such estimate to each rating authority in the county and to the Greater London Council. The county council of Essex, Hertfordshire, Kent or Surrey and any rating authority in such county shall supply the assessor with such further information or estimates as he may reasonably require.

7. The assessor shall consider the estimates supplied under paragraph 6 and any representations, on such estimates or otherwise, which may be made to him by the county council of Essex, Hertfordshire, Kent or Surrey or any rating authority in such county or by the Greater London Council or any rating authority in Greater London before 30th November 1964, and may consider any such representations made to him after that date.

8. The assessor shall notify any amount determined to the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, and to the Greater London Council and the Minister.

9. All papers used by the assessor in the determination of any amount shall be transmitted by him to the Minister as soon as may be after such notification.

10. Any amount payable by the Greater London Council under section 70 of the Act in any year shall (unless the said Council and the county council of Essex, Hertfordshire, Kent or Surrey, as the case may be, otherwise agree) be paid in twelve equal instalments paid on the last day of every month.

Given under the official seal of the Minister of Housing and Local Government on 14th September 1964.

(L.S.)

*Keith Joseph,*  
Minister of Housing and Local Government.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

Section 70 of the London Government Act 1963 provides for transitional assistance from the Greater London Council to the county council of Essex, Hertfordshire, Kent or Surrey if the additional rate burden on the county consequential on the Act exceeds the estimated product of a rate of 5d. in the £ for the county for 1965-66. Whether any, and if so what, additional rate burden has been incurred by any county is determined under Schedule 16 to the Act. These Regulations appoint the person to make the necessary determinations and provide for the assumptions on which he is to proceed, the supply of information etc. to him, and the representations which he is required or empowered to take into account. They also provide as to the manner in which any payment under section 70 is to be made.



## 1964 No. 1466

## LAND CHARGES

## The Housing Act (Registration of Orders) Rules 1964

Made - - - - 14th September 1964

Coming into Operation 28th September 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by sections 15(6), 19(8), 21(6) and 73(5) of the Housing Act 1964(a), and sections 15 and 19 of the Land Charges Act 1925(b), do hereby make the following Rules:—

1.—(1) These Rules may be cited as the Housing Act (Registration of Orders) Rules 1964 and shall come into operation on 28th September 1964.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(3) In these Rules the expression “the General Rules” shall mean the Local Land Charges Rules 1934(d) as amended(e).

2. The General Rules shall apply to entries required to be made in the register of local land charges pursuant to sections 15(6), 19(8), 21(6) and 73(5) of the Housing Act 1964 in the same manner and to the same extent as they apply to local land charges registrable pursuant to section 15 of the Land Charges Act 1925, save that so much of Rule 15(1) of the General Rules as applies section 17(3) of the Land Charges Act 1925 to registrars and registries of local land charges shall not apply in respect of control orders required to be registered by section 73 of the Housing Act 1964; and accordingly the General Rules shall be further amended as follows:—

(a) In Rule 5(d) of the General Rules there shall be added the words “and to any improvement notice or immediate improvement notice required to be registered by section 15, 19 or 21, or any control order required to be registered by section 73, of the Housing Act 1964”; and

(b) In Rule 15(1) of the General Rules there shall be added the following proviso: “Provided that subsection (3) of the said section shall not apply in relation to control orders required to be registered by section 73 of the Housing Act 1964.”

Dated 14th September 1964.

*Dilhorne, C.*

(a) 1964 c. 56. (b) 15 & 16 Geo. 5. c. 22. (c) 52 & 53 Vict. c. 63.

(d) S. R. & O. 1934/285 (Rev. XI, p. 816; 1934 I, p. 924).

(e) There is no amendment which relates to the subject matter of these Rules.

**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules amend the Local Land Charges Rules 1934 to provide for registration in Part IV of the local land charges registers of improvement notices and immediate improvement notices required to be registered by sections 15, 19 and 21, and control orders required to be registered by section 73, of the Housing Act 1964. In the case of control orders, unlike other matters registered in Part IV, information supplied in an official certificate of search about the entries in the register is not to be conclusive in favour of a purchaser or intending purchaser of the property concerned.

1964 No. 1467

## MERCHANT SHIPPING

## The Pilotage Orders (Applications) Rules 1964

*Made* - - - - 8th September 1964*Coming into Operation* 21st September 1964

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of his powers under the provisions of Schedule 1 to the Pilotage Act 1913<sup>(a)</sup> relating to applications for Pilotage Orders under Section 7(4)<sup>(b)</sup> of that Act and of all other powers him enabling in that behalf hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Pilotage Orders (Applications) Rules 1964 and shall come into operation on the 21st September 1964.

(2) The Pilotage Orders (Applications) Rules 1947<sup>(b)</sup> as amended by the Pilotage Orders (Applications) (Amendment) Rules 1963<sup>(c)</sup> are hereby revoked without prejudice however to the validity of anything done thereunder before the 21st September 1964.

(3) Any application made or anything done before the 21st September 1964 under the said Rules shall, so far as the application could have been made or the thing could have been done under these Rules, have effect as if made or done, as the case may be, under these Rules.

2.—(1) In these Rules unless the context otherwise requires:—

"The Act" means the Pilotage Act 1913.

"Applicant" means an applicant for a Pilotage Order.

"Application" means an application for a Pilotage Order.

"Order" means a Pilotage Order made under section 7 of the Act.

"Prescribed" means prescribed by these Rules.

(2) The Interpretation Act 1889<sup>(d)</sup> shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. An applicant shall be a person interested in the pilotage of any pilotage district or in the operation of the laws relating to pilotage in that district or the administration of those laws.

4.—(1) An application shall be made, in writing, to the Secretary, Ministry of Transport, London, and shall be accompanied by the prescribed fee.

(2) The application shall state fully the object proposed to be effected by the Order, the provisions proposed to be inserted in the Order, and the grounds on which the application is based.

(a) 2 & 3 Geo. 5. c. 31.

(b) S.R. & O. 1947/1148 (Rev. XIV, p. 666: 1947 I, p. 1283).

(c) S.I. 1963/179 (1963 I, p. 178).

(d) 52 & 53 Vict. c. 63.

**5.** The applicant shall publish a notice of the application once in each of two successive weeks in the period of one month immediately succeeding the date of the application in the following newspapers, viz., "Lloyd's List", "The Journal of Commerce" and at least one newspaper circulating in the pilotage district in respect of which the application is made.

**6.** The notice of advertisement of the application shall contain :—

- (a) the name, address and description of the applicant ;
- (b) a statement of the object proposed to be effected by the Order ;
- (c) a list of the addresses at which copies of the draft Order and of the application are available for inspection, and at which such documents may be purchased at an inclusive charge not exceeding 5s. ;
- (d) a statement of the manner in which and of the time within which objections or representations with reference to the application are to be made, as provided by Rule 7 of these Rules.

**7.** Any objection or representation with reference to any application shall be in writing and shall state fully the grounds on which it is based, and shall be deposited with the Secretary, Ministry of Transport, London, within a period of six weeks from the date of the first publication of the notice of application, and shall, in the case of an objection, be accompanied by the prescribed fee. A copy of any objection or representation shall be sent by the person making such objection or representation to the applicant within the same period.

**8.** Within seven days after the first publication of the advertisement the applicant shall :—

- (a) furnish the Minister with a copy of the advertisement and with two copies of the draft Order ;
- (b) where the Pilotage Authority of the Pilotage District in respect of which the application is made are not themselves the applicants, send to that Authority a copy of the advertisement and of the application ;
- (c) where the Transport and General Workers' Union are not themselves the applicants, send to that Union a copy of the advertisement and of the application ;
- (d) where the United Kingdom Pilots' Association are not themselves the applicants, send to that Association a copy of the advertisement and of the application ;
- (e) where the Chamber of Shipping of the United Kingdom are not themselves the applicants, send to that body a copy of the advertisement and of the application.

**9.—(1)** As soon as may be after the prescribed period for lodging objections or representations has expired, the applicant shall furnish the Minister with :—

- (a) a copy of each of the newspapers in which the advertisement was published ;
- (b) a certificate that the requirements of Rule 8 have been complied with ;
- (c) a list of all objections or representations received by the applicant together with his observations upon each, and a certificate that paragraph (2) of this Rule has been complied with.

(2) Before the date on which the documents mentioned in paragraph (1) of this Rule are transmitted to the Minister, the applicant shall transmit by

registered post or by the recorded delivery service to each person from whom an objection or representation has been received a copy of his observations thereon.

10.—(1) As soon as may be after the receipt of the documents specified in the preceding Rule, the Minister shall enquire of each person who has made an objection to the application whether, after considering the observations made in reply thereto by the applicant, he intends to maintain his objection, and shall inform him that if he does so intend, he must within fourteen days notify his intention to the Minister, and at the same time transmit to the Minister the prescribed fee.

(2) If a person who has made an objection to the application does not, within the said fourteen days, notify the Minister of his intention to maintain the objection, and also transmit the prescribed fee, the objection shall (at the expiration of that period) be deemed to be withdrawn.

11. If, as a result of any objection or representation, the applicant agrees to a modification of the provisions proposed to be inserted in the Order, the Minister may, if in his opinion such modification is substantial, direct the applicant to publish a notice of the application as so modified in the manner provided in Rules 5 and 6. The applicant shall thereafter comply with Rules 8 and 9 in respect of the application as so modified.

12. As soon as may be after an Order has been made the Minister shall publish a notice thereof in the newspapers indicated in Rule 5.

13.—(1) The Minister may in the case of any application, objection or representation, require the person making the same to furnish such further information or documents as the Minister may think fit.

(2) The Minister may, subject to the provisions of the Act, dispense with any of the requirements of these Rules, either unconditionally or upon such conditions as he may think fit, if he is satisfied that there is reasonable cause for such dispensation and that no person will be prejudiced thereby.

14. The fees payable by applicants or objectors under these Rules shall be those specified in the Schedule to these Rules.

Given under the Official Seal of the Minister of Transport the 8th September 1964.

(L.S.)

*B. E. Bellamy,*  
An Under Secretary of the  
Ministry of Transport.

#### SCHEDULE

(1) FEES PAYABLE BY AN APPLICANT.

- |   |        |    |
|---|--------|----|
| (a) On the application for an Order   | ... .. | £5 |
| (b) After the Order has been made and published by the Minister such sum not exceeding £20 as the Minister may direct in each case. |        |    |

(2) FEES PAYABLE BY AN OBJECTOR.

- |  |        |    |
|--|--------|----|
| (a) For every objection made   | ... .. | £2 |
| (b) For every objection made of which notice to maintain the same is given under Rule 10 | ... .. | £5 |

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**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules re-enact with amendments the Pilotage Orders (Applications) Rules as amended. The principal changes are that an application for a Pilotage Order shall state the grounds on which it is based, and that the Minister may require re-publication of an application in modified form where, as a result of any objection or representation, the applicant has agreed to a substantial modification of the provisions proposed to be inserted in the Order.

1964 No. 1474

## LONDON GOVERNMENT

**The London Authorities (Health and Welfare Services)  
Order 1964**

<i>Made - - - -</i>	<i>14th September 1964</i>
<i>Laid before Parliament</i>	<i>15th September 1964</i>
<i>Coming into Operation</i>	<i>25th September 1964</i>

The Minister of Health, as the appropriate Minister with respect to the subject matter of this order, in exercise of his powers under section 84 of the London Government Act 1963(a), and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation and Commencement*

1. This order may be cited as the London Authorities (Health and Welfare Services) Order 1964 and shall come into operation on 25th September 1964.

*Interpretation*

2.—(1) In this order, unless the context otherwise requires—

“ the Act ” means the London Government Act 1963 ;

“ the Act of 1948 ” means the National Assistance Act 1948(b) ;

“ the Common Council ” means the Common Council of the City of London ;

“ the Minister ” means the Minister of Health ;

“ London borough ” includes the City of London ;

and references, however worded, to a London borough council include the Common Council.

(2) Unless the context otherwise requires, references in this order to the provisions of any enactment, regulation or order shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment, regulation or order.

(3) The Interpretation Act 1889(c) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

*Mental Health*

3.—(1) Where immediately prior to 1st April 1965 a patient is in the guardianship under the Mental Health Act 1959(d) of any county council

(a) 1963 c. 33. (b) 11 & 12 Geo. 6. c. 29. (c) 52 & 53 Vict. c. 63. (d) 7 & 8 Eliz. 2. c. 72.

or county borough council which is abolished by section 3(1)(b) of the Act, his guardianship shall vest—

(a) if the place where he resided immediately before he was received into guardianship is on 1st April 1965 in a London borough, in the council of that borough, or

(b) if the place where he resided immediately before he was received into guardianship is not on 1st April 1965 in a London borough, or cannot with reasonable diligence be ascertained, or is disputed, in the council of the county or London borough designated for that purpose by the council in whom his guardianship vested immediately prior to 1st April 1965,

and section 41(2)(c) of the Mental Health Act 1959 shall apply as if the patient had been transferred into the guardianship of such council in pursuance of regulations under that section.

(2) For the purposes of regulation 26 of the Mental Health (Hospital and Guardianship) Regulations 1960(a) a patient in hospital at the time when his age is to be determined who before the date of his admission to hospital resided in any county or county borough which is abolished by the said section 3(1)(b) shall be deemed to have resided at that date in the county or London borough in which on 1st April 1965 his former place of residence is situated.

(3) Any order made by a County Court under section 52 of the said Act of 1959 directing that the functions under Part IV of that Act of the nearest relative of a patient shall be exercisable by a county council or county borough council which is abolished by the said section 3(1)(b) shall have effect on and after 1st April 1965 as if the order had directed those functions to be exercisable by the council of the county, London borough or county borough in which the patient resided on that day, or, if he is then in hospital, the council of the county, London borough or county borough in which on 1st April 1965 the place at which he was resident immediately before he was last admitted to hospital is situated.

(4) Anything duly done prior to 1st April 1965 by or in relation to a local health authority or mental welfare officer for the purposes of any provision of the Mental Health Act 1959 as respects a person at any place in Greater London, or in the urban districts of Potters Bar, Staines or Sunbury-on-Thames shall not be affected by the Act but may be continued thereafter by or in relation to the local health authority or mental welfare officer concerned to carry out that provision of the said Act of 1959 at that place.

#### *Expenses of officers acting as receivers*

4. Where by virtue of an order made or having effect as if made by the Court of Protection under Part VIII of the Mental Health Act 1959 a person, being an officer of a London borough council,—

(a) commences on 1st April 1965 to act as receiver for a patient or as a person otherwise having functions in relation to the property and affairs of a patient, or

(b) continues on 1st April 1965 to act as such receiver or person, having so acted immediately before that date,

then the provisions of section 49 of the Act of 1948 shall apply with respect to the defrayment of his expenses incurred on and after that date in

(a) S.I. 1960/1241 (1960 II, p. 1903).



connection with his functions as receiver or as such person as if the permission of the London borough council had been given to an application by him for such appointment.

### *National Assistance*

5.—(1) Where immediately before 1st April 1965 any expenditure is recoverable under section 32(1) or section 47(9) of the Act of 1948 in respect of any person who was, or is deemed to have been, ordinarily resident in the area of any authority abolished by section 3(1)(b) of the Act or in the counties of Hertfordshire, Essex, Kent or Surrey, that person shall on and after that date be deemed to have been ordinarily resident in the county or London borough of his former place of residence.

(2) For the purposes of section 32(1) or section 47(9) of the Act of 1948 any person (other than a person to whom paragraph (1) of this article applies) residing immediately prior to 1st April 1965 in accommodation provided under Part III of the Act of 1948 by the county councils of Hertfordshire, Essex, Kent or Surrey, or for whom services under section 29 of that Act are then being provided by any of those councils, shall on and after that date be deemed to have been ordinarily resident in the county or London borough of his former place of residence.

(3) Where a person (other than a person to whom paragraph (1) of this article applies) who resided immediately prior to 1st April 1965 in accommodation provided under Part III of the Act of 1948 by any authority abolished by section 3(1)(b) of the Act, at any time thereafter, with the consent of the council of the county or London borough of his former place of residence, leaves that accommodation and without acquiring a new ordinary residence enters accommodation provided under the said Part III by another local authority, he shall be deemed to be ordinarily resident in such county or London borough, as the case may be.

(4) Where any person in hospital at 1st April 1965 subsequently enters accommodation provided under Part III of the Act of 1948 in circumstances in which he would but for the Act be deemed to be ordinarily resident in the area of any authority abolished by section 3(1)(b) of the Act or in the counties of Hertfordshire, Essex, Kent or Surrey, he shall be deemed to be ordinarily resident in the county or London borough in which on 1st April 1965 is situated the place at which he was ordinarily resident immediately prior to his admission to hospital.

(5) Except as provided in paragraphs (1) and (3) of this article, a person residing immediately prior to 1st April 1965 in accommodation provided under Part III of the Act of 1948 by the county councils of London or Middlesex shall not in consequence of the Act be treated as ordinarily resident in the area of any other local authority.

(6) Any local authority by whom any sum is recoverable under section 32(1) or section 47(9) of the Act of 1948 in consequence of this order may agree with any local authority from whom the sum is recoverable to forgo recovery of the sum.

(7) Any question arising under paragraph (1), (2), (3) or (4) of this article as to the ordinary residence of any person shall be determined by the Minister.

(8) In this article the expression "county or London borough of his former place of residence" means in relation to any person the county or London borough in which on 1st April 1965 is situated the place at which he was, or is deemed to have been, ordinarily resident immediately

prior to his admission to accommodation provided under Part III of the Act of 1948, or, as the case may be, at the time when services under section 29 of that Act were provided for him.

(9) Any order in force under section 47 of the Act of 1948, immediately prior to 1st April 1965 authorising the detention of any person in accommodation provided under Part III of that Act and directed to an officer of any authority abolished by section 3(1)(b) of the Act or the county councils of Hertfordshire, Essex, Kent or Surrey, shall not be affected by any transfer of the premises in which the person is detained, but, subject to any further order of the court, shall continue to have effect as if the order had been directed to the appropriate officer of the authority to whom the premises are transferred.

### *Midwives*

6.—(1) With effect from 1st April 1965 section 11 of the Midwives Act 1951(a) (prohibition of unqualified persons acting as maternity nurses for gain) shall apply throughout Greater London.

(2) Any notice given by a certified midwife under section 15 of the Midwives Act 1951 to any local supervising authority which is abolished by section 3(1)(b) of the Act or to the county councils of Hertfordshire, Essex, Surrey or Kent and in force immediately before 1st April 1965 shall have effect thereafter as a like notice given to the local supervising authority of every area including any part of the area of the authority to whom the notice was originally given.

(3) Where any midwife has been suspended from practice by any local supervising authority or county council mentioned in the last foregoing paragraph and such suspension is in force immediately before 1st April 1965 the suspension shall continue to have effect thereafter as if the Act had not been passed, but may be terminated or extended in any area in which the midwife would, but for the suspension, be entitled to practise, by the local supervising authority for that area.

### *Infectious diseases*

7. Any order, notice or decision made, given or taken or any other thing done, before 1st April 1965 under any provision of Part V of the Public Health Act 1936(b) or Part IX of the Public Health (London) Act 1936(c) by or to any authority in Greater London, or in the urban districts of Potters Bar, Staines or Sunbury-on-Thames or an officer of any such authority in relation to any person, premises or article shall have effect on and after that date as if it had been made, given, taken or done by or to the authority which is the local authority for the purposes of the said Part V in relation to the person, premises or article, or, as the case may be, an officer of that authority, and in the case of any order, notice, decision or other thing made, given, taken or done under any provision of the said Part I X, as if it had been made, taken, given or done under the corresponding provision of the said Part V.

### *Reports of Medical Officers of Health*

8.—(1) Where the medical officer of health of any authority which is abolished by section 3(1)(b) of the Act has not before 1st April 1965 made his annual report for the year ending on 31st December 1964, as

(a) 14 & 15 Geo. 6. c. 53.

(b) 26 Geo. 5 & 1 Edw. 8. c. 49.

(c) 26 Geo. 5 & 1 Edw. 8. c. 50.

required by the Public Health Officers Regulations 1959(a), copies of the report shall be sent by the authority to whom, under article 16 of the London Authorities (Property etc.) Order 1964(b), the property and liabilities of such abolished authority have been transferred, to:—

- (a) the council of every county or London borough comprising any part of the area of such abolished authority ;
- (b) the Minister, and
- (c) the Greater London Council.

(2) The medical officers of health of the counties of Hertfordshire, Essex, Kent and Surrey shall respectively send copies of their annual report for the year ending on 31st December 1964 to—

- (a) the council of every London borough comprising any part of the area for which the report was prepared, and
- (b) the Greater London Council.

(3) The medical officer of health of any authority which is abolished by section 3(1)(b) of the Act shall transmit to the medical officer of health of every county or London borough comprising any part of the area of such abolished authority, any available information for the period of three months ending 31st March 1965 which will be of assistance to that officer in the preparation of his annual report.

#### *Food and Drugs*

9. Anything duly done before 1st April 1965 in Greater London, or in the urban districts of Potters Bar, Staines or Sunbury-on-Thames by or to any local authority or food and drugs authority or an authorised officer of either such authority in the exercise of any function under the Food and Drugs Act 1955(c) or regulations having effect thereunder, shall be deemed as from that date to have been duly done by or to the authority by whom the function has become exercisable or, as the case may be, an authorised officer of such authority, and any instrument in force immediately before that date, if and so far as it was made in the exercise of any such function, shall continue in force after that date until varied or revoked in the exercise of that function by such latter authority.

Given under the Official Seal of the Minister of Health on 14th September 1964.

(L.S.)

*Anthony Barber,*  
Minister of Health.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The order makes transitional provision to ensure continuity of administration when the health and welfare services in Greater London (other than the ambulance service) are taken over by the London borough councils and the Common Council on 1st April 1965.

Provision is also made (article 5) for assigning to the appropriate London borough council or county council, or to the Common Council, existing liabilities of authorities abolished or affected by the London Government Act 1963 to pay the cost of accommodation or welfare services provided under Part III of the National Assistance Act 1948 by other authorities.

1964 No. 1475

**BUILDING SOCIETIES**

**The Building Societies (Accounts and Annual Return etc.)  
Regulations 1964**

*Made - - - - 14th September 1964*  
*Laid before Parliament 23rd September 1964*  
*Coming into Operation 20th December 1964*

The Chief Registrar of Friendly Societies, with the consent of the Treasury, pursuant to the powers conferred upon him by sections 78(2), 88(3) and 91(2) of the Building Societies Act 1962(a), and to all other powers enabling him in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Building Societies (Accounts and Annual Return etc.) Regulations 1964, and shall come into operation on 20th December 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The Revenue and Appropriation Account and Balance Sheet of a building society shall contain the particulars and be in the form set out in Part I of the Schedule hereto, except that any heading contained therein may be omitted if the entries in respect of such heading would be “ Nil ”.

3. There shall be included against every heading in—

(a) the Revenue and Appropriation Account, the corresponding amounts for the immediately preceding financial year ; and

(b) the Balance Sheet, the corresponding amounts at the end of the immediately preceding financial year.

4. The annual return required to be made by a building society under section 88(1) of the Building Societies Act 1962 shall contain the information and be in the form set out in Part II of the Schedule hereto.

5. The annual return and every statement or report annexed thereto shall be made on sheets of paper of the size 13 inches by 8 inches.

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(a) 10 & 11 Eliz. 2. c. 37.

(b) 52 & 53 Vict. c. 63.

6. Where appropriate, the word "Nil" shall be inserted against any heading contained in any Schedule to the annual return, or against the whole of any such Schedule, as the case may require.

7. There shall, if it is not otherwise shown, be stated by way of note to the Revenue and Appropriation Account of a building society, and to the Revenue and Appropriation Account contained in the annual return, every material respect in which any items shown therein are affected

- (a) by transactions of an exceptional or non-recurrent nature ; or
- (b) by any change in the basis of accounting.

8. The following matters shall be stated by way of note to the Balance Sheet of a building society, and to the Balance Sheet contained in the annual return, or in a statement or report annexed thereto respectively, if not otherwise shown—

- (a) particulars of any moneys owing by the society in respect of deposits, loans and overdrafts which are wholly or partially secured ;
- (b) the general nature of any contingent liability not provided for, and, where practicable, the estimated amount of that contingent liability, if it is material ;
- (c) where practicable, the aggregate amount, or estimated amount, if it is material, of contracts for capital expenditure, so far as not provided for ;
- (d) where the amounts of the separate reserves or provisions as compared with the amounts at the end of the immediately preceding financial year show any increases or decreases, the sources from which the increases have been derived and how the amounts of any decreases have been applied ;
- (e) the method of arriving at the amount at which any office premises are shown ;
- (f) the basis on which any item of income tax has been computed.

9. The expression "Expenses" where it occurs in the heading "Directors' Fees and Expenses" contained in the Revenue and Appropriation Account of a building society and in the Revenue and Appropriation Account contained in the annual return, includes, in relation to a director, any sum paid by way of expenses allowance and the estimated money value of any other benefits received by him otherwise than in cash in so far as those sums and benefits are charged to United Kingdom income tax, and any contribution paid in respect of him, as a director, under any pension scheme.

10. The auditors of a building society shall not be required to deal in their report on any annual return with the following matters contained therein :—

- (a) the information contained in the annual return up to and excluding the Shares Account ;

(b) the information contained in—

(i) Schedule No. 1 ;

(ii) Schedule No. 3 ;

(iii) Section “ B ” and Section “ C ” of Schedule No. 4.

**11. The Building Societies (Accounts) Regulations 1962(a) and the Building Societies (Annual Return etc.) Regulations 1962(b) are hereby revoked.**

**Dated 14th September 1964.**

*S. D. Musson,*  
**Chief Registrar of Friendly Societies.**

**We consent to these Regulations.**

**Dated 14th September 1964.**

*John Peel,*  
*Martin McLaren,*  
**Two of the Lords Commissioners of  
Her Majesty's Treasury.**

## SCHEDULE

## PART I

## ANNUAL ACCOUNTS

.....Building Society  
 Register No.....B  
 Registered Chief Office.....  
 Revenue and Appropriation Account for the year ended.....

	£		£
Management Expenses:—		Interest on Mortgages ... ..	
Directors' Fees and Expenses		Other amounts paid by Bor-	
Remuneration and Travelling		rowers as consideration for	
Expenses of Staff and Audi-		Advances ... ..	
tors ... ..		Interest and Dividends from	
Office Accommodation and Ex-		Investments ... ..	
penses ... ..		Bank Interest ... ..	
Advertising ... ..		Rents and other income from	
Commission and Agency Fees		letting Office Premises ... ..	
Contributions under arrange-		Valuation Fees and Expenses	
ments for meeting losses by		Other Fees and Fines ... ..	
investors ... ..		Commission (Insurance, etc.) ... ..	
Other Expenses:—		Other Income:—	
.....		.....	
Total Management Expenses ... ..		.....	
Valuation Fees and Expenses		.....	
payable to Directors, Manager		.....	
or Secretary ... ..		.....	
Other Valuation Fees and Ex-		.....	
penses ... ..		.....	
Interest on Deposits and Loans		.....	
(not from Bank) ... ..		.....	
Interest on Loans and Overdrafts		.....	
from Bank ... ..		.....	
Losses on Mortgages ... ..		.....	
Depreciation:—	£	.....	
Office Premises ... ..		.....	
Other Assets ... ..		.....	
Other Expenditure:—		.....	
.....		.....	
Income Tax (including assess-		.....	
ment(s) under Case I of		.....	
Schedule 'D' for year(s) 19...../		.....	
19..... The assessment is based		.....	
on the accounts of the current/		.....	
preceding year) ... ..		.....	
Profits Tax for period ended.....		.....	
.....		.....	
Interest, Dividend and Bonus to		.....	
Shareholders for period ended		.....	
.....		.....	
Proposed Interest, Dividend and		.....	
Bonus to Shareholders for		.....	
period ended .....		.....	
Balance carried down ... ..		.....	
.....		.....	
Other Debits and Appropria-		Balance brought down ... ..	
tions:—		Balance brought forward from	
.....		last year ... ..	
.....		Other Credits and Appropria-	
.....		tions:—	
.....		.....	
Balance carried forward ... ..		.....	
.....		.....	

Balance Sheet as at.....

	£		£
Due to Investing Shareholders ...		Balance due or outstanding on	
Advances from H.M. Govern- ment ... ..		Mortgages:—	
Deposits and Loans (not from Bank) ... ..		From bodies corporate ...	
Loans and Overdrafts from Bank		From persons other than bodies corporate where total indebtedness ex- ceeds £7,000 ... ..	
Other Liabilities:—		Others ... ..	
	£	Total ... ..	
Income Tax ...		Less provision for antici- pated losses on Mort- gages ... ..	
Profits Tax for period ended .....			
.....		Mortgage Assets	
.....		Investments:—	
Proposed Interest, Dividend and Bonus for period ended.....		Quoted	£
Provisions:—		Final redemp- tion date in not more than 5 years ... ..	
.....		Others ... ..	
.....		(Market Value £.....) ... ..	
Amount set aside for future Taxation ... ..		Unquoted	
Special Reserves:—		Repayable in not more than 6 months ... ..	
..... Reserve		Repayable in more than 6 months ... ..	
..... Reserve		Interest Accrued	
General Reserve and Balance carried forward:—		Total Investments ... ..	
	£	Cash on Deposit and Current Accounts at Banks ... ..	
General Reserve		Cash in Hand ... ..	
Balance carried forward ... ..		Office Premises ... ..	
		Other Assets:—	
		.....	
		.....	
		.....	
		.....	
		Balance (Loss) carried forward	

Signature of Director.....

Signature of Director.....

Signature of Manager or Secretary.....



PART II

To be submitted in duplicate

BUILDING SOCIETIES ACT 1962

ANNUAL RETURN FOR YEAR ENDED.....

Name of Society.....Building Society

Register Number.....B

Registered Chief Office.....

Total Membership of Society at end of year.....

Number of Investing Shareholders at end of year.....

Number of Borrowers at end of year.....

Number of Creditors for Deposits and Loans at end of year.....

NAMES AND ADDRESSES OF DIRECTORS, ETC., AT THE DATE UP TO WHICH THE ANNUAL RETURN IS MADE

	Name	Address
Directors		
or		
Committee		
of		
Management		
Manager		
Secretary		

Names of Banks in which society's funds were held on current and deposit accounts at date of the balance sheet:

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

## 1. SHARES ACCOUNT

		£		£
Withdrawals (including £..... Interest, Dividend and Bonus paid out)			Subscriptions ... ..	
Other Debits:—			Interest, Dividend and Bonus ...	
.....			Other Credits:—	
.....			.....	
.....			.....	
Due to Shareholders at end of year			Due to Shareholders at begin- ning of year	
Shares	£		Shares	£
Interest	£		Interest	£

## 2(a). H.M. GOVERNMENT ADVANCES ACCOUNT

		£		£
Repayments, including Interest			Advances received ... ..	
.....			Interest on Advances ... ..	
.....			.....	
.....			.....	
Due to H.M. Government at end of year ... ..			Due to H.M. Government at beginning of year ... ..	

## 2(b). OTHER DEPOSITS AND LOANS ACCOUNT

		£		£
Withdrawals (including £..... Interest paid out)			Receipts from Depositors ...	
Other Debits:—			Interest on Deposits ... ..	
.....			Other Credits:—	
.....			.....	
.....			.....	
Due to Creditors for Deposits and Loans (excluding banks) at end of year ... ..			Due to Creditors for Deposits and Loans (excluding banks) at beginning of year ... ..	
Loans from Bank repaid, includ- ing Interest (or reduction in Overdrafts) ... ..			Loans from Bank (or increase in Overdrafts) ... ..	
			Interest on Bank Loans ...	
Due to Bank on Loans and Over- drafts at end of year ... ..			Due to Bank on Loans and Over- drafts at beginning of year ...	

3. MORTGAGES ACCOUNT

	£		£
Advanced on Mortgages (classified in Schedule No. 3) ...		Repayments of Advances and Interest ... ..	
Interest ... ..		Insurance Premiums ... ..	
Insurance Premiums ... ..		Losses on Mortgages ... ..	
Other Debits:—		Other Credits:—	
.....		.....	
.....		.....	
.....		.....	
.....		.....	
.....		.....	
Due on Mortgages at beginning of year ... ..		Due on Mortgages at end of year ... ..	

4. INVESTMENTS ACCOUNT

	£		£
Investments made (classified in Schedule No. 6, Section "A"):-		Investments realised (classified in Schedule No. 6, Section "B"):-	
Quoted ...	£	Quoted ...	£
Unquoted ...		Unquoted ...	
Profits on realisation of Investments ... ..		Losses on realisation of Investments ... ..	
Interest and Dividends ... ..		Depreciation of Investments ... ..	
Book Value of Investments and Interest Accrued at beginning of year ... ..		Interest and Dividends received (gross)	
		Book Value of Investments and Interest Accrued at end of year ... ..	

5. REVENUE AND APPROPRIATION ACCOUNT

	£		£
Management Expenses:—		Interest on Mortgages ... ..	
Directors' Fees and Expenses		Other amounts paid by Borrowers as consideration for Advances ... ..	
Remuneration and Travelling Expenses of Staff and Auditors ... ..		Interest and Dividends from Investments ... ..	
Office Accommodation and Expenses ... ..		Bank Interest ... ..	
Advertising ... ..		Rents and other income from letting Office Premises ... ..	
Commission and Agency Fees		Valuation Fees and Expenses	
Contributions under arrangements for meeting losses by investors ... ..		Other Fees and Fines ... ..	
Other Expenses:—		Commission (Insurance, etc.) ... ..	
.....		Other Income:—	
.....		.....	
Total Management Expenses ... ..		.....	
Valuation Fees and Expenses payable to Directors, Manager or Secretary ... ..		.....	
Other Valuation Fees and Expenses ... ..		.....	
Interest on Deposits and Loans (not from Bank) ... ..		.....	
Interest on Loans and Overdrafts from Bank ... ..		.....	
Losses on Mortgages ... ..		.....	
Depreciation:—			
Office Premises ...	£		
Other Assets ...			
Other Expenditure:—			
.....			
Income Tax (including assessment(s) under Case I of Schedule 'D' for year(s) 19...../ 19..... The assessment is based on the accounts of the current/preceding year) ... ..			
Profits Tax for period ended.....			
.....			
Interest, Dividend and Bonus to Shareholders for period ended .....			
.....			
Proposed Interest, Dividend and Bonus to Shareholders for period ended .....			
Balance carried down ... ..			
		Balance brought down ... ..	
		Balance brought forward from last year ... ..	
Other Debits and Appropriations:—		Other Credits and Appropriations:—	
.....		.....	
.....		.....	
.....		.....	
.....		.....	
Balance carried forward ... ..		.....	

6. BALANCE SHEET AS AT.....

	£		£
Due to Investing Shareholders (classified in Schedule No. 2, Section "A") (as per A/c. No. 1)		Balance due or outstanding on Mortgages (classified in Schedule No. 7) (as per A/c. No. 3):—	
Advances from H.M. Government (as per A/c. No. 2(a)) ...		From bodies corporate ...	
Deposits and Loans, not from Bank, (classified in Schedule No. 2, Section "B") (as per A/c. No. 2(b)) ... ..		From persons other than bodies corporate where total indebtedness exceeds £7,000 ... ..	
Loans and Overdrafts from Bank (as per A/c. No. 2(b)) ... ..		Others ... ..	
Other Liabilities:—		Total ... ..	
	£	Less provision for anticipated losses on Mortgages ... ..	
Income Tax ... ..		Mortgage Assets ... ..	
Profits Tax for period ended ... ..		Investments (classified in Schedule No. 8) (as per A/c. No. 4):—	
.....		Quoted:—	£
.....		Final redemption date in not more than 5 years ... ..	
.....		Others ... ..	
.....		(market value £.....) ... ..	
Proposed Interest, Dividend and Bonus for period ended .....		Unquoted:—	
Provisions:—		Repayable in not more than 6 months ... ..	
.....		Repayable in more than 6 months ... ..	
.....		Interest Accrued	
Amount set aside for future taxation ... ..		Total Investments ... ..	
Special Reserves:—		Cash on Deposit and Current Accounts at Banks ... ..	
.....Reserve		Cash in Hand ... ..	
.....Reserve		Office Premises ... ..	
General Reserve and Balance carried forward:—		Other Assets:—	
	£	.....	
General Reserve		.....	
Balance carried forward (as per A/c. No. 5)		.....	
		Balance (Loss) carried forward (as per A/c. No. 5) ... ..	

**SCHEDULE No. 1**

**SECTION " A "**

The normal interest rates of the society for shares, deposits and mortgages, in categories, classified according to the various rates:—

	As at the end of the financial year	Changes made during the year
<b>Shares:—</b>		
.....		
.....		
.....		
.....		
.....		
.....		
.....		
<b>Deposits:—</b>		
.....		
.....		
.....		
.....		
.....		
<b>Mortgages:—</b>		
.....		
.....		
.....		
.....		
.....		
.....		
.....		

The maximum interest rate charged on any mortgage during the financial year was:—

Particulars of any charges made to borrowers as consideration for advances in addition to the normal interest charges:—

**SECTION " B "**

Advanced on Mortgages during the financial year			
Initial mortgage term of 26 years or more	Initial mortgage term 5 years or more but less than 26 years	Initial mortgage term less than 5 years	Total
£	£	£	£

SCHEDULE No. 2

SECTION " A "

Classification of amount due to Investing Shareholders as at end of financial year:—

	£
(a) Classes of Shares:—	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
(b) Interest not credited to Share Capital ... ..	
Total ... ..	

SECTION " B "

Classification according to notice required of amount due to Creditors for Deposits and Loans (not from Bank) as at end of financial year:—

	£
.....	
.....	
.....	
.....	
.....	
.....	
.....	
.....	
Total ... ..	

SECTION " C "

Particulars of holdings exceeding £5,000:—

	Number of holdings	Total
		£
Shares ... ..		
Deposits and Loans (excluding advances from H.M. Government) ... ..		

**SCHEDULE No. 3**  
**Analysis of amounts advanced on mortgage during the financial year**

Advances other than to Housing Societies to which Section 8 of the Housing Act 1964 applies		Type of property on which advance is secured and, to the best of the Society's knowledge and belief, its intended use					Advances to Housing Societies to which Section 8 of the Housing Act 1964 applies	Total
1	2	Dwellings (including sites for such dwellings and buildings under construction)			Business and Other Properties			
		Wholly to be occupied by borrower	Partly to be occupied by borrower	Wholly to be let by borrower	Under construction and to be put up for sale by borrower	Including some dwelling accommodation to be occupied by borrower	Other	
	£	£	£	£	£	£	£	
*New Mortgages:—								
On ... Mortgages where advance agreed to will not exceed £3,000 ...								
(a) to bodies corporate ...								
(b) to persons ...								
On ... Mortgages where advance agreed to will exceed £3,000 but will not exceed £5,000								
(a) to bodies corporate ...								
(b) to persons ...								
On ... Mortgages where advance agreed to will exceed £5,000 but will not exceed £7,000								
(a) to bodies corporate ...								
(b) to persons ...								
On ... Mortgages where advance agreed to will exceed £7,000 but will not exceed £10,000								
(a) to bodies corporate ...								
(b) to persons ...								
On ... Mortgages where advance agreed to will exceed £10,000 but will not exceed £25,000								
(a) to bodies corporate ...								
(b) to persons ...								
On ... Mortgages where advance agreed to will exceed £25,000 ...								
(a) to bodies corporate ...								
(b) to persons ...								
† Existing Mortgages:—								
Second or subsequent advances on ... Mortgages where the first advance was made before commencement of the financial year ...								
† Existing Mortgages other than Instalment Mortgages:—								
On ... Mortgages								
Total								

\* Excluding } further advances in respect of property already mortgaged to the society.  
† Including }



## SCHEDULE No. 4

## SPECIAL ADVANCES

## SECTION " A "

## Analysis of Special Advances made during the financial year

	Number of Advances	Total Amount £
1. Special Advances to persons other than bodies corporate (excluding special advances by virtue of Section 21(7) of the 1962 Act)		
(a) of more than £7,000 (classified in Section " B " of this Schedule)		
to persons who as a result were indebted by not more than £10,000 ... ..		
to persons who as a result were indebted by more than £10,000 but not more than £25,000 ... ..		
to persons who as a result were indebted by more than £25,000 ... ..		
Total ... ..		
(b) of not more than £7,000		
to persons who as a result were indebted by not more than £10,000 ... ..		
to persons who as a result were indebted by more than £10,000 but not more than £25,000 ... ..		
to persons who as a result were indebted by more than £25,000 ... ..		
Total ... ..		
2. Special Advances to bodies corporate (excluding special advances by virtue of Section 21(7) of the 1962 Act) (classified in Section " C " of this Schedule) ... ..		
Total ... ..		
3. Transfers of mortgages, where no new advance is made but which rank as special advances by virtue of Section 21(7) of the 1962 Act ... ..		
Total ... ..		

SCHEDULE NO. 4—*continued*

## SECTION " B "

Particulars to be set forth in the case of every special advance (excluding special advances by virtue of Section 21(7) of the 1962 Act) of a sum exceeding £7,000, made during the financial year to a person other than a body corporate.

Roll No. 1	Type of Property 2	Tenure 3	Unexpired Term of Lease 4	Valuation of Property 5	Amount of Advance 6	Observations 7
				£	£	
			Total ...			

## SECTION " C "

Particulars to be set forth in the case of every special advance (excluding special advances by virtue of Section 21(7) of the 1962 Act) made during the financial year to a body corporate.

Register No. of Company 1	Type of Property 2	Tenure 3	Unexpired Term of Lease 4	Valuation of Property 5	Amount of Advance 6	Observations 7
				£	£	
			Total ...			

## SCHEDULE No. 5

## SECTION " A "

Particulars to be set forth, pursuant to Section 89(1)(a) and (b) of the 1962 Act, in respect of advances made during the financial year covered by the annual return to any director or the manager or secretary of the society or to any person who, after the making of the advance, became a director or the manager or secretary of the society in that year.

Roll No. 1	Type of Property 2	Valuation of Property 3	Amount of Advance 4	Observations 5
		£	£	
	Total ...			

## SECTION " B "

Particulars to be set forth, pursuant to Section 89(1)(c) and (d) of the 1962 Act, in respect of advances made during the financial year covered by the annual return to (i) a company or other body corporate in which, when the advance was made, or at any later time in the said financial year, a director or the manager or secretary of the society held, either directly or through a nominee, shares the nominal value of which exceeded two and a half per cent. of the total paid up share capital of the company or other body corporate, or (ii) a company or other body corporate of which, when the advance was made, or at any later time in the said financial year, a director or the manager or secretary of the building society was a director, general manager, secretary or other similar officer.

Register No. of Company 1	Type of Property 2	Valuation of Property 3	Amount of Advance 4	Particulars of each Officer's Shareholdings which exceed two and a half per cent. of Total Paid-up Share Capital		Observations 7
				Officer's Shareholdings in Company or other body corporate 5	Percentage of Officer's Shareholdings to Total Paid-up Share Capital 6	
		£	£			
	Total ...					

**SCHEDULE No. 6**  
**SECTION "A"**

**Particulars to be set forth in respect of Investments made by the Society during the financial year**

QUOTED		Latest date of redemption WITHIN 5 YEARS from date of purchase	Latest date of redemption AFTER 5 YEARS but WITHIN 15 YEARS from date of purchase	Latest date of redemption AFTER 15 YEARS but WITHIN 25 YEARS from date of purchase	Total
		1	2	3	4
		Purchase Price	Purchase Price	Purchase Price	Purchase Price
		£	£	£	£
		UNQUOTED			
		Repayable in not more than 6 months from date of purchase	Repayable after 6 months but within 2 years from date of purchase	Repayable after 2 years but within 5 years from date of purchase	Total
		1	2	3	4
		Purchase Price	Purchase Price	Purchase Price	Purchase Price
		£	£	£	£
British Government and British Government Guaranteed Securities	...	...	...	...	...
Commonwealth Securities	...	...	...	...	...
Local Authority Securities	...	...	...	...	...
Other Quoted Securities	...	...	...	...	...
	Total	...	...	...	...
Tax Reserve Certificates	...	...	...	...	...
Defence Bonds	...	...	...	...	...
National Development Bonds	...	...	...	...	...
Treasury Bills	...	...	...	...	...
Northern Ireland Treasury Bills	...	...	...	...	...
Ulster Development Bonds	...	...	...	...	...
Deposits at not more than 7 days notice (notice permissible after period not exceeding 12 weeks from the making of the deposit)	...	...	...	...	...
	(a) Local Authorities	...	...	...	...
	(b) Other Authorities	...	...	...	...
	(a) Local Authorities	...	...	...	...
	(b) Other Authorities	...	...	...	...
Loans secured by way of mortgage	...	...	...	...	...
	Total	...	...	...	...

SCHEDULE No. 6—continued  
SECTION " B "

Particulars to be set forth in respect of Investments realised by the Society during the financial year

QUOTED

	Quoted				
	1 Latest date of redemption within 5 YEARS from date of realisation	2 Latest date of redemption AFTER 5 YEARS but WITHIN 15 YEARS from date of realisation	3 Latest date of redemption AFTER 15 YEARS but WITHIN 25 YEARS from date of realisation	4 Latest date of redemption AFTER 25 YEARS from date of realisation, redeemable only at option of issuer or with no fixed date of redemption	5 Proceeds of Realisation
British Government and British Government Guaranteed Securities					
Commonwealth Securities					
Local Authority Securities					
Other Quoted Securities					
<b>Total</b>					

UNQUOTED

	Proceeds of Realisation
	£
Tax Reserve Certificates	.. .. .
Defence Bonds	.. .. .
National Development Bonds	.. .. .
Treasury Bills	.. .. .
Northern Ireland Treasury Bills	.. .. .
Ulster Development Bonds	.. .. .
Deposits at not more than 7 days notice	.. .. .
Loans secured by way of mortgage	.. .. .
Other Unquoted Investments	.. .. .
<b>Total</b>	.. .. .

Description of Investment	Proceeds of Realisation
	£
<b>Total</b>	.. .. .

\* The Society has not realised any loan to a local or other authority by exercise of a " stress clause " (i.e. on the Society's demand for payment before maturity due to exceptional circumstances).

\* The Society has realised the following loan(s) to a local or other authority by exercise of a " stress clause " (i.e. on the Society's demand for payment before maturity due to exceptional circumstances).

\* Delete as appropriate.

## SCHEDULE No. 7

## SECTION " A "

Classification of Balances due or outstanding on Mortgages as at end of financial year:—

	£
On ..... Mortgages where the debt does not exceed £3,000 ... ..	
On ..... Mortgages where the debt exceeds £3,000 and does not exceed £5,000 ... ..	
On ..... Mortgages where the debt exceeds £5,000 and does not exceed £7,000 ... ..	
On ..... Mortgages where the debt exceeds £7,000 and does not exceed £10,000 ... ..	
On ..... Mortgages where the debt exceeds £10,000 and does not exceed £25,000 ... ..	
On ..... Mortgages where the debt exceeds £25,000 ... ..	
Total on ..... Mortgages ... ..	

## SECTION " B "

Balances due or outstanding on Mortgages as at end of financial year include:—

- £.....on..... Mortgages on Property of which the society has been more than 12 months in possession.
- £.....on..... Mortgages on Property of which the society is not in possession, or has been in possession for not more than 12 months, where the payments are more than 12 months in arrear.
- £.....on..... Mortgages on Property for which Receivers or Managers have acted for more than 12 months.
- £..... in respect of advances to which Section 8 of the Housing Act 1964 applies and £..... in respect of other advances to bodies corporate.
- £..... in respect of (a) advances to bodies corporate (excluding advances to which Section 8 of the Housing Act 1964 applies) and (b) advances to a person indebted in a total amount exceeding £7,000, representing.....per cent. of the total balance due or outstanding on Mortgages.

SCHEDULE No. 8

Particulars to be set forth in respect of Investments held by the Society as at end of financial year

QUOTED	Final redemption date IN NOT MORE THAN 5 YEARS from date of Balance Sheet		Final redemption date AFTER 5 YEARS but WITHIN 15 YEARS from date of Balance Sheet		Final redemption date AFTER 15 YEARS but WITHIN 25 YEARS from date of Balance Sheet		Final redemption date MORE THAN 25 YEARS from date of Balance Sheet (including undated)		Amounts included in Balance Sheet	
	Nominal Value	•Market Value	•Market Value	Book Value	Nominal Value	•Market Value	•Market Value	Book Value	•Market Value	Book Value
British Government and British Government Guaranteed Securities	£	£	£	£	£	£	£	£	£	£
Commonwealth Securities										
Local Authority Securities										
Other Quoted Securities										
Total										
UNQUOTED										
Tax Reserve Certificates	£	£	£	£	£	£	£	£	£	£
Defence Bonds										
National Development Bonds										
Treasury Bills										
Northern Ireland Treasury Bills										
Ulster Development Bonds										
Deposits at not more than 7 days notice (notice permissible after period not exceeding 12 weeks from the making of the deposit)										
Loans secured by way of mortgage										
Other Unquoted Investments										
Total										
Total Quoted and Unquoted										
Interest Accrued										
Total										

\* At mid-market prices adjusted for net accrued interest where necessary.

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Signature of Director.....

Signature of Director.....

Signature of Manager or Secretary.....

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations prescribe the form of, and the particulars to be contained in, the Revenue and Appropriation Account and Balance Sheet which are required to be laid before the annual general meeting of a building society. They also prescribe the form of, and the particulars to be contained in, the annual return which a building society is required to make to the Chief Registrar of Friendly Societies, and provide that the auditors, in their report on the annual return, need not deal with certain specified matters.

The Regulations consolidate with minor amendments the Building Societies (Accounts) Regulations 1962 (S.I. 1962/2042) and the Building Societies (Annual Return etc.) Regulations 1962 (S.I. 1962/2043). The main changes relate to the particulars to be shown as to advances.



1964 No. 1483

## SUGAR

**The Manufacture of Sugar Regulations 1964**

<i>Made - - - -</i>	14th September 1964
<i>Laid before Parliament</i>	18th September 1964
<i>Coming into Operation</i>	20th September 1964

**WHEREAS**

(1) it is provided by section 11(4) of the Sugar Act 1956(a) that the Commissioners of Customs and Excise (hereinafter called "the Commissioners") shall have power to make regulations with respect to surcharge and surcharge repayments for any purpose for which under any statutory provision for the time being in force they have power to make regulations with respect to sugar duty;

(2) it was provided by section 212 of the Customs and Excise Act 1952(b) that the Commissioners might make regulations for regulating the manufacture of, and securing and collecting the excise duty chargeable on, sugar and for the other purposes provided for in the last-mentioned section;

(3) the said section 212 was on the 1st August 1962 repealed by section 34 of and Schedule 11 to the Finance Act 1962(c); and

(4) it is provided by paragraph 2 of Part II of Schedule 5 to the last-mentioned Act that the powers of the Commissioners under the said section 11(4) of the Sugar Act 1956 to make regulations in respect of surcharge and surcharge repayments shall continue as if any statutory provision in force immediately before the 10th April 1962 had continued in force.

Now, in pursuance of the powers recited above, and of section 11(1) of the said Sugar Act and of all other powers enabling them in that behalf, the Commissioners hereby make the following Regulations:—

1. No person may manufacture sugar or store sugar which he has manufactured other than sugar upon which surcharge has become due or, but for the suspension of surcharge under section 13 of the Sugar Act 1956 would have become due, except in premises approved in accordance with these regulations.

2. A person who intends to manufacture sugar shall, not less than six days before he begins to manufacture the same, deliver to the proper officer of Customs and Excise an application in such form as the Commissioners may require showing the date on which he intends to begin to manufacture sugar and containing such particulars as they may require of the premises

(a) 4 &amp; 5 Eliz. 2. c. 48.

(b) 15 &amp; 16 Geo. 6 &amp; 1 Eliz. 2. c. 44.

(c) 10 &amp; 11 Eliz. 2. c. 44.

in respect of which approval is sought and the Commissioners, if they are satisfied with such particulars, may approve the said premises as premises where sugar may be manufactured and subsequently stored, and may at any time vary or revoke such approval.

3. If a manufacturer, after he has begun to manufacture sugar, wishes to seek approval for premises additional to those already approved he shall apply for their approval in the same manner as is provided in regulation 2 hereof and the Commissioners may similarly approve such additional premises.

4. If a manufacturer has ceased to manufacture sugar for more than one calendar month he shall give to the proper officer of Customs and Excise not less than six days notice in writing of the date on which he intends to resume manufacture.

5. Surcharge shall become payable when sugar is removed from approved premises for any purpose other than removal to other approved premises, for exportation or use as stores, or for warehousing ; and Section 88(1) of the Customs and Excise Act 1952 shall apply to the removal of sugar from premises approved in accordance with these regulations as it applies to the removal of goods from warehouse.

6. Sugar may be removed from approved premises without payment of surcharge to other approved premises, for exportation or use as stores or for warehousing subject to security being given to the Commissioners (if they so require) and to such conditions as they may impose.

7. Except where the Commissioners otherwise allow, a manufacturer of sugar shall—

- (1) render to the Commissioners not later than Thursday in every week a return in such form and manner and containing such particulars as they may direct of any sugar on which surcharge became due during the week ending on the preceding Saturday ;
- (2) pay the surcharge due in respect of any such sugar at the time of making the said return.

8.—(1) A manufacturer shall keep separate stock accounts in a form approved by the Commissioners of all sugar in each of his approved premises and shall enter therein daily, or at such longer periods as the Commissioners may allow, such particulars as they may prescribe of all sugar produced, received or delivered and shall retain such accounts together with all other accounts, books and documents containing any record relating to any return required to be made by these Regulations for at least twelve months after the date of the last entry therein.

(2) At the end of each month and, if so required by the proper officer of Customs and Excise at any other time, a manufacturer shall balance the account of sugar produced in, received into or delivered from each of his approved premises.

(3) A manufacturer shall not cancel, obliterate, or, except with the permission of the proper officer of Customs and Excise, alter any entry in the stock account.

(4) A manufacturer shall permit the proper officer of Customs and Excise at all reasonable times to inspect the said stock account, other accounts, books and documents, to take any extract therefrom and to make any entry in the said stock account.

9. A manufacturer shall take stock of all sugar in each of his approved premises at the end of August every year or at such other times and subject to such conditions as may be prescribed by the Commissioners and within fourteen days thereafter render to the proper officer of Customs and Excise a return showing any deficiency between his actual stock and the stock which according to his books and records should be in his possession and shall on demand pay any surcharge (which shall then be deemed to be due) on any sugar found to be deficient.

10. At the end of each manufacturing period a manufacturer shall deliver to the proper officer of Customs and Excise a return giving such particulars as the Commissioners may require of all sugar produced in that period.

11. A manufacturer shall not without the permission of the proper officer of Customs and Excise remove from the approved premises any intermediate or residual product of the manufacture of sugar containing sugar, other than molasses or beet pulp.

12. Except with the permission of the Commissioners, and subject to such conditions as they may from time to time impose, a manufacturer shall not receive into the approved premises any sugar except from other approved premises.

13.—(1) In these Regulations—

“approved premises” means premises approved in accordance with Regulations 2 and 3 hereof ;

“manufacturing period” means a period during which sugar beet is manufactured into sugar ;

“sugar” means sugar of any description finished or unfinished.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

14. These Regulations may be cited as the Manufacture of Sugar Regulations 1964 and shall come into force on the twentieth day of September 1964.

*G. Imms,*  
Commissioner of  
Customs and Excise.

14th September 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

**These regulations provide for the control of the manufacture of home-produced sugar and the collection of surcharge payable upon such sugar.**

1964 No. 1487

## WAGES COUNCILS

**The Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1964***Made* - - - - 15th September 1964*Coming into Operation* 5th October 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 5th October 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1961(c) and the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) (Amendment) Order 1962(d), shall cease to have effect.

Dated 15th September 1964.

*Joseph Godber,*  
Minister of Labour.

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/1130 (1961 II, p. 2112).

(d) S.I. 1962/2061 (1962 III, p. 2492).

### SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration set out in the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1961(a) (Order O.F. (30)) as amended by the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) (Amendment) Order 1962(b) (Order O.F. (32)).

### STATUTORY MINIMUM REMUNERATION

#### PART I GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part III is:—

- (1) in the case of a time worker, the hourly general minimum time rate payable to the worker under Part II of this Schedule;
- (2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the piece work basis time rate applicable to the worker under Part II of this Schedule.

#### PART II GENERAL MINIMUM TIME RATES FEMALE WORKERS

2. The general minimum time rates payable to female workers are as follows:—

Aged—	Age of worker on first entering the trade						
	Under 15½ years	15½ and under 16 years	16 and under 16½ years	16½ and under 17 years	17 and under 17½ years	17½ and under 18 years	18 years or over
	Per hour s. d.	Per hour s. d.	Per hour s. d.	Per hour s. d.	Per hour s. d.	Per hour s. d.	Per hour s. d.
15 and under 15½ years	1 6	—	—	—	—	—	—
15½ " " 16 "	1 7½	—	—	—	—	—	—
16 " " 16½ "	1 11½	1 9	1 7½	—	—	—	—
16½ " " 17 "	2 2½	2 2½	1 11½	1 11½	—	—	—
17 " " 17½ "	2 5½	2 5½	2 3	2 3	2 3	—	—
17½ " " 18 "	2 8	2 8	2 6½	2 4½	2 4½	2 3	—
18 " " 18½ "	2 10	2 10	2 10	2 10	2 10	2 10	2 8½
18½ years or over ...	2 10	2 10	2 10	2 10	2 10	2 10	2 10

#### MALE WORKERS

3. The general minimum time rates payable to male workers are as follows:—

Aged—	Per hour s. d.
21 years or over ...	4 1
20 and under 21 years ...	3 8
19 " " 20 " ...	3 2
18 " " 19 " ...	2 10
17½ " " 18 " ...	2 8
17 " " 17½ " ...	2 6
16½ " " 17 " ...	2 2½
16 " " 16½ " ...	2 0
15½ " " 16 " ...	1 8
under 15½ years ...	1 6½

(a) S.I. 1961/1130 (1961 II, p. 2112).

(b) S.I. 1962/2061 (1962 III, p. 2492).

## PIECE WORK BASIS TIME RATE

## MALE OR FEMALE WORKERS

4. The piece work basis time rate applicable to all workers, male or female (including homeworkers), employed on piece work shall be a rate equal to the general minimum time rate which would be payable if the worker were a time worker, increased by 12½ per cent.

## PART III

## OVERTIME AND WAITING TIME

## NORMAL NUMBER OF HOURS

5. Subject to the provisions of this Part of this Schedule the minimum overtime rates set out in paragraph 6 are payable to any worker in respect of any time worked:—

- (1) in excess of the hours following, that is to say:

(a) in any week ... .. 42 hours

(b) on any day other than a Saturday, Sunday or customary holiday—

where the normal working hours exceed 8½ ... 9 hours

or

where the normal working hours are not more than 8½ ... .. 8½ hours

- (2) on a Saturday, Sunday or customary holiday.

## MINIMUM OVERTIME RATES

6. Minimum overtime rates are payable to any worker as follows:—

- (1) on any day other than a Sunday or customary holiday—

(a) for the first 2 hours of overtime worked ... time-and-a-quarter

(b) for the next 2 hours ... .. time-and-a-half

(c) thereafter ... .. double time

- (2) on a Sunday or customary holiday—

for all time worked ... .. double time

- (3) in any week, exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this subparagraph—

for all time worked in excess of 42 hours ... time-and-a-quarter

Provided that where it is the practice in a Jewish undertaking for the employer to require attendance on Sunday instead of Saturday the provisions of this paragraph shall apply as if in such provisions the word "Saturday" were substituted for "Sunday" except where such substitution is unlawful.

7. In this Part of this Schedule—

- (1) the expression "customary holiday" means:—

- (a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday;

- (ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);

- the local Spring holiday ;  
 the local Autumn holiday ; and  
 three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ;
- or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted therefor by the employer, being a day recognised by local custom as a day of holiday in substitution for the said day.
- (2) The expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively :—
- (a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker ;
- (b) in the case of a worker employed on piece work—
- (i) a time rate equal respectively to one-quarter, one-half and the whole of the piece work basis time rate otherwise applicable to the worker, and, in addition thereto,
- (ii) the piece rates otherwise applicable to the worker under paragraph 1(2).

#### WAITING TIME

- 8.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances :—
- (a) without the employer's consent, express or implied ;
- (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
- (c) by reason only of the fact that he is resident thereon ;
- (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.

#### PART IV

#### INTERPRETATION

##### 9. In this Schedule—

- (1) the expression "homeworker" means a female worker who works in her own home or any other place not under the control or management of the employer.
- (2) "the trade" means the ostrich and fancy feather and artificial flower trade.



## PART V

## APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

10. This Schedule does not apply to male workers employed as dyers in the Feather Trade but save as aforesaid, this Schedule applies to workers in relation to whom the Ostrich and Fancy Feather and Artificial Flower Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the Ostrich and Fancy Feather and Artificial Flower trade as specified in the Schedule to the Regulations made by the Minister of Labour, dated 3rd February, 1921, with respect to the constitution and proceedings of the Trade Board for the Ostrich and Fancy Feather and Artificial Flower Trade (Great Britain)(a), which Schedule reads as follows:—

“The Ostrich and Fancy Feather and Artificial Flower Trade, that is to say:—

1. The preparation throughout of ostrich or fancy feathers from the natural condition to the finished feather product.
2. The making of artificial flowers, fruit, foliage, grasses, mosses, seeds or pods from paper, wax, textile materials, porcelain, glass, plaster, metal composition, rubber, leather, raffia, celiphane and similar materials.
3. The preservation of natural flowers, foliage, grasses, mosses, ferns, seeds or pods.
4. The making of hats of any of the articles specified in paragraphs 1, 2 and 3 above, when made in or in association with or in conjunction with any business or establishment or branch or department or workroom mainly engaged in any of the operations specified in those paragraphs.
5. The making of feather garments (including neckwear and muffs), feather trimmings for dresses, feather fans or feather mountings of any description, when made in or in association with or in conjunction with any business or establishment or branch or department or workroom mainly engaged in the preparation of ostrich or fancy feathers.
6. The cleaning, dyeing or renovating of any of the articles specified in paragraphs 1, 2 and 3 above, when carried on as a main business or in association with or in conjunction with any business or establishment or branch or department or workroom mainly engaged in any of the operations specified in these paragraphs.

Including:—

7. A. Any of the following and similar operations or processes known in the trade as:—
  - (i) The sorting, stringing, washing, bleaching, dyeing, beating, scraping, laying-up, sewing, curling, finishing, sticking, twisting, mounting of ostrich or fancy feathers;
  - (ii) Pattern-making, dyeing, stiffening, waterproofing, waxing, cutting, stamping, shading, veining, goffing, mould making, mounting, in connection with the manufacture of artificial flowers, fruits, foliage, grasses, mosses, seeds or pods;
  - (iii) The dyeing, preserving, painting, varnishing or decorating of natural flowers, foliage, grasses, mosses, ferns, seeds or pods.
- B. The making of any of the articles specified in paragraph 2 above by needlework processes, when carried on in or in association with or in conjunction with a business or establishment or branch or department or workroom mainly engaged in any of the operations specified in that paragraph.

- C. The making or mounting of any of the articles specified in paragraphs 1, 2 and 3 above for cakes or cracker ornaments, except when made or mounted in or in association with or in conjunction with an establishment or business or branch or department or workroom which is mainly engaged in the making of crackers.
- D. The mounting (whether singly or in festoons or garlands) or assembling of any of the articles specified in paragraphs 1, 2 and 3 above for the purpose of decoration, when mounted or assembled in a business or establishment or branch or department or workroom mainly engaged in these operations.
- E. The warehousing of, the packing of, and similar operations in regard to any of the articles specified in paragraphs 1 to 5 above when carried on in or in association with or in conjunction with a business or establishment or branch or department or workroom mainly engaged in any of the operations specified in paragraphs 1 to 6 above.

But excluding :—

8. A. The making of any of the articles mentioned in paragraph 2 above in a business or establishment or branch or department or workroom which is mainly engaged in the manufacture of the materials specified in that paragraph, and not of the articles therein specified.
- B. The preparation, making or preservation of any of the articles specified in paragraphs 1, 2 and 3 above, when carried out in a business or establishment or branch or department or workroom mainly engaged in the manufacture of stationers' sundries.
- C. The stiffening or preparation of textile materials for the making of any of the articles mentioned in paragraph 2 above, when carried on in a business or establishment or branch or department or workroom mainly engaged in the preparation of textile materials for other purposes.
- D. The making of any of the articles specified in paragraph 2 above wholly from metal, or the mounting thereof when so made or the making or mounting of plaster flowers, fruits or foliage, except when made or mounted :—
- (i) For funeral tokens, wreaths or crosses.
  - (ii) In association with, or in conjunction with the making of any of the articles specified in paragraph 2, from any of the materials specified therein.
  - (iii) For cake or cracker ornaments as specifically mentioned in the operations and processes included in the trade.
- E. The making from rubber of any of the articles mentioned in paragraph 2 above, or the mounting thereof when so made, where carried on in or in association with or in conjunction with a business or establishment or branch or department or workroom mainly engaged in the manufacture of other rubber articles.
- F. All operations covered by the following orders :—
- (i) The Trade Boards (Sugar Confectionery and Food Preserving) Order 1913(a).
  - (ii) The Trade Boards (Hat, Cap and Millinery) Order 1919(b).
  - (iii) The Trade Boards (Women's Clothing) Order 1919(c).
  - (iv) The Trade Boards (Toy) Order 1920(d)."

(a) Confirmed by 3 & 4 Geo. 5. c. clxii.  
 (c) S.R. & O. 1919/1263 (1919 II, p. 531).

(b) S.R. & O. 1919/1262 (1919 II, p. 515).  
 (d) S.R. & O. 1920/470 (1920 II, p. 792).

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 5th October 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) Order 1961 (Order O.F. (30)) as amended by the Wages Regulation (Ostrich and Fancy Feather and Artificial Flower) (Amendment) Order 1962 (Order O.F. (32)) which Orders are revoked.

New provisions are printed in italics.

1964 No. 1513 (S. 97)

**LEGAL AID AND ADVICE, SCOTLAND**

**The Legal Aid (Scotland) (Expenses of Successful Unassisted Parties) Regulations 1964**

*Made* - - - - - 15th September 1964  
*Laid before Parliament* 22nd September 1964  
*Coming into Operation* 1st October 1964

In exercise of the powers conferred upon me by sections 2(1)(b) and 3 of the Legal Aid Act 1964(a), as read with section 12(4) and (5) of the Legal Aid (Scotland) Act 1949(b), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the Legal Aid (Scotland) (Expenses of Successful Unassisted Parties) Regulations 1964, and shall come into operation on 1st October 1964.

(2) The Interpretation Act 1889(c), shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(3) In these regulations, unless the context otherwise requires :—

“ the Act ” means the Legal Aid Act 1964 ;

“ the court ” means the court which, by virtue of section 1 of the Act, is empowered to make an order ;

“ order ” means an order under section 1 of the Act for the payment out of the legal aid fund of the expenses of a successful unassisted party.

2. Where an unassisted party is concerned in proceedings only in a fiduciary, representative or official capacity, then for the purposes of section 1(3)(b) of the Act the court shall not take into account his personal resources, but shall have regard to the value of the property, estate or fund out of which the unassisted party is entitled to be indemnified and may in its discretion also have regard to the resources of the persons if any who are beneficially interested in that property, estate or fund.

*Michael Noble,*  
 One of Her Majesty's Principal  
 Secretaries of State.

St. Andrew's House,  
 Edinburgh, 1.  
 15th September 1964.

**EXPLANATORY NOTE**

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

Under the Legal Aid Act 1964 the court has power to order the expenses of a successful unassisted opponent of a party receiving legal aid to be paid out of the legal aid fund. These regulations make special provision for the application of the Act where the unassisted person was concerned in the proceedings in a fiduciary, representative or official capacity.

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S T A T U T O R Y      I N S T R U M E N T S

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**1964 No. 1514**

**EDUCATION, ENGLAND AND WALES**

**The Further Education (Grant) Second Amending  
Regulations 1964**

*Made* - . . . . . 16th September 1964  
*Laid before Parliament*    23rd September 1964  
*Coming into Operation*    24th September 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 100 of the Education Act 1944(a), hereby makes the following regulations:—

1. These regulations may be cited as the Further Education (Grant) Second Amending Regulations 1964 and shall come into operation on 24th September 1964.

2. The existing regulations hereby amended are the Further Education (Grant) Regulations 1959(b), as amended by the Further Education (Grant) Amending Regulations 1964(c).

3. The following regulation is hereby substituted for regulation 15 of the existing regulations, which relates to teachers unsuitable for employment:—

“15.—(1) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed as such in the provision of any facilities for further education, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.”

Given under the Official Seal of the Secretary of State for Education  
and Science on 16th September 1964.

(L.S.)

*Newton,*

Minister of State for Education and Science.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate  
their general purport.)*

These regulations correct an error contained in the Further Education (Grant) Amending Regulations 1964.

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(a) 7 & 8 Geo. 6. c. 31. (b) S.I. 1959/394 (1959 I, p. 1041). (c) S.I. 1964/1310 (1964 II, p. 2983).

1964 No. 1515

**LOCAL GOVERNMENT, ENGLAND AND WALES**
**The Further Education (Local Education Authorities) Second  
Amending Regulations 1964**

*Made* - - - - - 16th September 1964  
*Laid before Parliament* 23rd September 1964  
*Coming into Operation* 24th September 1964

The Secretary of State for Education and Science in exercise of the powers conferred upon him by section 3(4) of the Local Government Act 1958(a), hereby makes the following regulations:—

1. These regulations may be cited as the Further Education (Local Education Authorities) Second Amending Regulations 1964 and shall come into operation on 24th September 1964.

2. The existing regulations hereby amended are the Further Education (Local Education Authorities) Regulations 1959(b), as amended by the Further Education (Local Education Authorities) Amending Regulations 1964(c).

3. The following regulation is hereby substituted for regulation 14 of the existing regulations, which relates to teachers unsuitable for employment:—

“ 14.—(1) A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be employed as such in the provision of any facilities for further education, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.

(3) References in this and the preceding regulation to a teacher shall include references to the warden of a community centre and the leader of a youth club or similar institution.”

Given under the Official Seal of the Secretary of State for Education and Science on 16th September 1964.

(L.S.)

*Newton,*  
Minister of State for Education and Science.

(a) 6 &amp; 7 Eliz. 2. c. 55.

(b) S.I. 1959/393 (1959 I, p. 1577).

(c) S.I. 1964/1309 (1964 II, p. 2982).

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

**These regulations correct an error contained in the Further Education (Local Education Authorities) Amending Regulations 1964.**



1964 No. 1516

**LOCAL GOVERNMENT, ENGLAND AND WALES**
**The Training of Teachers (Local Education Authorities)  
Second Amending Regulations 1964**

<i>Made</i> . . . . .	16th September 1964
<i>Laid before Parliament</i>	23rd September 1964
<i>Coming into Operation</i>	24th September 1964

The Secretary of State for Education and Science, in exercise of the powers conferred upon him by section 3(4) of the Local Government Act 1958(a), hereby makes the following regulations:—

1. These regulations may be cited as the Training of Teachers (Local Education Authorities) Second Amending Regulations 1964 and shall come into operation on 24th September 1964.

2. The existing regulations hereby amended are the Training of Teachers (Local Education Authorities) Regulations 1959(b), as amended by the Training of Teachers (Local Education Authorities) Amending Regulations 1964(c).

3. The following regulation is hereby substituted for regulation 21 of the existing regulations, which relates to teachers unsuitable for employment:—

“ 21(1).—A teacher or person proposing to become a teacher who the Secretary of State decides, or the Minister of Education or the Board of Education previously decided, is unsuitable, on grounds of misconduct or grave professional default, for employment as a teacher shall not be so employed, or if it has been decided that he is suitable for employment to a limited extent only, shall be employed only to that extent.

(2) Before coming to any such decision as aforesaid the Secretary of State shall use every available means of informing the teacher or person aforesaid of the charges against him and of giving him an opportunity for explanation.”

Given under the Official Seal of the Secretary of State for Education and Science on 16th September 1964.

(L.S.)

Newton,

Minister of State for Education and Science.

(a) 6 &amp; 7 Eliz. 2. c. 55.

(b) S.I. 1959/395 (1959 I, p. 1590).

(c) S.I. 1964/1308 (1964 II, p. 2981).

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

**These regulations correct an error contained in the Training of Teachers (Local Education Authorities) Amending Regulations 1964.**

1964 No. 1523

**IRON AND STEEL****The Iron and Steel Board Scheme for Provision of Funds  
Confirmation Order 1964**

*Made* - - - - - 16th September 1964  
*Laid before Parliament* 24th September 1964  
*Coming into Operation* 4th October 1964

The Minister of Power, in pursuance of the powers conferred upon him by section 13(5) of the Iron and Steel Act 1953(a), as varied by the Transfer of Functions (Iron and Steel) Order 1957(b), hereby orders as follows:—

1. This Order shall come into operation on 4th October 1964, and may be cited as the Iron and Steel Board Scheme for Provision of Funds Confirmation Order 1964.

2. The scheme for the provision of funds for the Iron and Steel Board, the terms whereof are set out in the Schedule hereto, is confirmed, and shall come into force on 4th October 1964.

Dated 16th September 1964.

*F. J. Erroll,*  
 Minister of Power.

**SCHEDULE****IRON AND STEEL BOARD****SCHEME FOR THE PROVISION OF FUNDS**

1. The Iron and Steel Board have, after consultations with representative organisations, prepared a Scheme which will, in respect of iron and steel produced on or after the date on which it comes into force, replace the Iron and Steel Board (November 1959) Scheme for the Provision of Funds, the purpose of which is to provide, by means of periodical contributions by iron and steel producers, funds required to meet expenditure of the Board incurred or to be incurred in respect of certain matters referred to in sub-section (1) of section 13 of the Iron and Steel Act 1953. The effect of the present Scheme is the same as that of the Iron and Steel Board (November 1959) Scheme for the Provision of Funds except that the amount of the levies payable is increased and the levy on steel is extended to include steel cast by a continuous casting process.

2. Each iron and steel producer shall pay to the Board the following levies:—

- (a) on each ton of leviabie steel produced by such producer on or after the date on which this Scheme comes into force, the sum of 3d. per ton; and
- (b) on each ton of leviabie iron produced by such producer on or after the date on which this Scheme comes into force, the sum of 2½d. per ton.

3. All sums received by the Board in respect of the said levies shall be applied only in or towards meeting any expenditure of the Board incurred or to be incurred (i) in the discharge of liabilities under section 14 of the Iron and Steel Act 1953 (such section relating to temporary borrowings and investment by the Board) or (ii) in respect of remuneration, allowances or pensions of members of the Board or (iii) in respect of the administrative expenses of the Board.

4. (i) The said levies shall be payable monthly.

(ii) Payment in respect of each production month shall become due on the expiration of four weeks after the end of such production month and shall be paid to the Board within one week thereafter.

5. (i) In this Scheme the following expressions shall bear the respective meanings set out against them below:—

“leviable steel”

All steel ingots of or over one ton in weight, but excluding such ingots re-melted into other leviable steel; and all steel cast by a continuous casting process into a form which may also be produced by the rolling or forging of steel ingots, but excluding such steel re-melted into other leviable steel;

“leviable iron”

All iron, whether cold or in the form of hot metal, which is produced in a blast furnace, but excluding basic iron; and

“production month”

A period of four weeks or five weeks (as the case may be) commencing on the day following the Saturday nearest to the end of a calendar month and ending on the Saturday nearest to the end of the next following calendar month but so that where the last day of a calendar month is a Tuesday the Saturday preceding that Tuesday shall be regarded for the purposes of this definition as the Saturday nearest to the end of that calendar month.

(ii) Where the subject or context permits, words and expressions defined in the Iron and Steel Act 1953 shall bear the same meaning herein.

6. The provisions of paragraph 2 of the Iron and Steel Board (November 1959) Scheme for the Provision of Funds shall not impose on any iron and steel producer any levy in respect of iron and steel produced on or after the date on which this Scheme comes into force.

7. This Scheme may be referred to as the “Iron and Steel Board (August 1964) Scheme for the Provision of Funds”.

## EXPLANATORY NOTE

*(This note is not part of the Order, but is intended to indicate its general purport.)*

The Order confirms the Scheme for the provision of funds for the Iron and Steel Board set out in the Schedule.

In respect of iron and steel produced on and after the date the Scheme comes into force the Scheme replaces the Iron and Steel Board (November 1959) Scheme for the Provision of Funds, the only changes being that the rates of levy are increased and that the definition of “leviable steel ingots” is replaced by a definition of “leviable steel” which includes steel cast by a continuous casting process.

## 1964 No. 1528

## POISONS

**The Drugs (Prevention of Misuse) Exemptions Regulations 1964***Made - - - - 17th September 1964**Laid before Parliament 24th September 1964**Coming into Operation 31st October 1964*

In pursuance of the powers conferred on me by section 1(1) of the Drugs (Prevention of Misuse) Act 1964(a), I hereby make the following Regulations:—

1.—(1) Section 1(1) of the Drugs (Prevention of Misuse) Act 1964 (which provides for the penalization of unauthorised possession of substances for the time being specified in the Schedule to that Act) shall not be taken to prohibit the possession by a carrier or a person employed by a carrier in that carrier's business as such of a substance for the time being specified in the Schedule to the said Act provided that it is in the possession of the carrier or of that person for the purpose of his acting in his capacity as a carrier or person employed as aforesaid, as the case may be.

(2) The said section 1(1) shall not be taken to prohibit the possession by a person of such a substance as aforesaid while it is contained in a postal packet (as defined in section 87(1) of the Post Office Act 1953(b)) which is in the course of transmission by post (within the meaning of that expression in section 87(2) of the last mentioned Act) provided that it is in his possession in the performance by him of a duty connected with such transmission.

(3) The said section 1(1) shall not be taken to prohibit the possession by the owner of a ship required by the Merchant Shipping Acts 1894 to 1964 to carry a first-aid outfit in one or more of its lifeboats, boats or inflatable life rafts of such a substance as aforesaid for the purpose of the administration thereof, by way of treatment, to persons in any of those lifeboats, boats or inflatable life rafts, or to prohibit the possession by the master of such a ship which does not carry on board as part of her complement a duly qualified medical practitioner of such a substance for that purpose.

2. The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. These Regulations shall not extend to Northern Ireland.

4. These Regulations may be cited as the Drugs (Prevention of Misuse) Exemptions Regulations 1964 and shall come into operation on 31st October 1964.

*Henry Brooke.*

One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

17th September 1964.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

Section 1 of the Drugs (Prevention of Misuse) Act 1964 makes it an offence, subject to any exemptions for which provision may be made by regulations and to the provisions of the section, for a person to have in his possession a substance specified in the Schedule to the Act. These Regulations make exemptions for (a) a carrier and his employees in possession of such a substance in the course of the carrier's business, (b) a person having duties in connection with the transmission by post of a packet containing such a substance, and (c) the owner of a ship required to carry a first-aid kit in lifeboats or the like when the kit contains such a substance, and the master of such a ship if the ship has no duly qualified medical practitioner as part of her complement. (A duly qualified medical practitioner acting as such is exempted by section 1 of the Act.)

1964 No. 1536 (S. 98)

**LEGAL AID AND ADVICE, SCOTLAND**

**The Legal Aid (Scotland) (Criminal Proceedings)  
Regulations 1964**

*Made* - - - - - 18th September 1964  
*Laid before Parliament* 24th September 1964  
*Coming into Operation* 1st October 1964

In exercise of the powers conferred on me by sections 12 and 17 of, and paragraph 6 of Schedule 3 to, the Legal Aid (Scotland) Act 1949(a), as amended by the Legal Aid Act 1960(b) and the Criminal Justice (Scotland) Act 1963(c), and of all other powers enabling me in that behalf, and with regard to regulation 11, with the concurrence of the Treasury, I hereby make the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Legal Aid (Scotland) (Criminal Proceedings) Regulations 1964 and shall come into operation on 1st October 1964.

*Interpretation*

2.—(1) In these regulations the following expressions shall, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

“the Act” means the Legal Aid (Scotland) Act 1949, as amended;

“Act of Adjournal” means the Act of Adjournal (Rules for Legal Aid in Criminal Proceedings) 1964(d);

“Act of 1954” means the Summary Jurisdiction (Scotland) Act 1954(e);

“assisted person” means a person who is in receipt of legal aid;

“duty solicitor” means a solicitor acting under a duty plan in terms of the Scheme;

“High Court” means the High Court of Justiciary;

“legal aid” means legal aid under section 1 of the Act in connection with any criminal proceedings in the High Court or in the sheriff court or in a juvenile court constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937(f);

“Legal Aid (Scotland) Fund” means the fund established under section 9 of the Act;

“list” means a list of solicitors prepared and maintained under article 5 of the Scheme;

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(a) 12, 13 & 14 Geo. 6. c. 63. (b) 8 & 9 Eliz. 2. c. 28. (c) 1963 c. 39.  
 (d) S.I. 1964/1409 (1964 III, p. 3285). (e) 2 & 3 Eliz. 2. c. 48.  
 (f) 1 Edw. 8 & 1 Geo. 6. c. 37.

“local committee” means the local committee established by the Society under article 7 of the Legal Aid (Scotland) Scheme 1958, as amended, or any scheme made in place of that scheme;

“nominated solicitor” has the meaning assigned to it by article 2(1) of the Scheme;

“Scheme” means the Legal Aid (Scotland) (Criminal Proceedings) Scheme 1964 made by the Society under section 8 of the Act and includes any scheme amending that Scheme;

“Society” means the Law Society of Scotland established by the Solicitors (Scotland) Act 1949(a).

“Supreme Court Committee” means the committee established under article 6 of the Legal Aid (Scotland) Scheme 1958, as amended, or any scheme made in place of that scheme.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

### *Applications for legal aid*

3.—(1) An application for legal aid in connection with proceedings to which the provisions of section 2(2)(a) or (b) of the Act apply may be made orally or otherwise to the clerk of the court before which the proceedings are being taken.

(2) An application for legal aid in connection with proceedings in a court of first instance otherwise than under the said section 2(2) shall be made on such form as the Society may provide for the purpose, or in such other manner, being in writing, as the court may accept as sufficient in any particular case in which exceptional circumstances obtain.

(3) An application for legal aid in connection with proceedings by way of appeal, and any applications for a provisional financial certificate and for an interim appeal certificate under regulations 7 and 8 of these regulations respectively, shall be made on such forms as the Society may provide for the purpose.

(4) Where less than 7 days before the date of the trial fixed at the pleading diet the accused person makes an application for legal aid under paragraph (2) of this regulation the application shall be refused unless, on special cause shown, the court decides that the application may be considered as a timeous application under section 3 or section 4 of the Act of Adjournal as the case may be:

Provided that this paragraph shall not apply where less than 7 days elapse between the pleading diet and the trial.

### *Information to be furnished by applicants*

4. Every applicant for legal aid shall furnish such particulars as are required by any form of application provided in accordance with regulation 3 of these regulations and such further particulars with respect to his case, or to his financial circumstances or those of his dependants, or to other relevant circumstances as may be required by the court or by the Society or by any committee or person acting on behalf of the Society in regard to the application.



*Matter in part of which a person receives legal aid*

5. When an assisted person ceases to receive legal aid while proceedings are in course, the solicitor who acted for him under the Scheme shall, if any solicitor whom that person subsequently consults so requests, forward to that solicitor all the documents and papers in his possession relating to those proceedings and shall report to him on any steps taken.

*Provisions as to applicant having rights or facilities in relation to his defence*

6.—(1) Notwithstanding any rights or facilities that may be available to an accused person in relation to his defence in criminal proceedings, legal aid shall be made available, if sought in connection with those proceedings, under the provisions, where applicable, of section 2(2)(a) or (b) of the Act.

(2) Where, otherwise than at any stage in proceedings to which the provisions of section 2(2) of the Act apply, it appears to the court that an applicant for legal aid has available rights or facilities making it unnecessary for him to obtain legal aid, or has a reasonable expectation of obtaining financial or other help from a body of which he is a member, the court shall not, except on special cause shown, make legal aid available to him under section 2(1A) of the Act.

(3) Where the court makes legal aid available to a person who is a member of a body which might reasonably have been expected to give him financial help towards his defence, the court shall require him to sign an undertaking to pay to the Society any sum received from that body on account of the expenses of his defence.

*Provisional financial certificates in matters of special urgency*

7.—(1) Where a person seeks legal aid in connection with an appeal and legal aid was not available, or was not sought by, or was not made available to him in the proceedings in the court of first instance otherwise than under section 2(2) of the Act, he shall apply to the clerk of the sheriff court for the district in which those proceedings took place, or were initiated, for a provisional financial certificate that it appears that he is unable, without undue hardship to himself or his dependants, to meet the expenses of proceedings on appeal in connection with the charge specified in the said certificate and that he is not disentitled to receive legal aid by reason of regulation 6(2) of these regulations:

Provided that where, in the proceedings in the court of first instance, the court refused an application for legal aid under section 5(1) or section 5(2) of the Act of Adjournal a provisional financial certificate shall be granted only if the applicant can show, where legal aid was refused under section 5(1) in the court of first instance, that in relation to an appeal he has available to him no rights or facilities to which regulation 6 of these regulations applies or, where legal aid was refused under section 5(2) in the court of first instance, that there has been a material deterioration in his financial circumstances.

(2) Where a provisional financial certificate is granted the sheriff clerk shall transmit it to the local committee together with the completed form of application for an interim appeal certificate referred to in regulation 8(1) of these regulations.

*Interim appeal certificates and appointment of interim solicitors in matters of special urgency*

8.—(1) Where a person who requires a provisional financial certificate under regulation 7(1) of these regulations, or a person to whom legal aid was made available under section 2(1A) of the Act in connection with proceedings in the court of first instance but who was not being so aided when the prosecution was determined, seeks legal aid in connection with an appeal, the sheriff clerk shall assist him to complete the form of application for an interim appeal certificate as prescribed in regulation 3 of these regulations and shall send the completed form and, where applicable, the provisional financial certificate to the local committee.

(2) Subject to the provisions of regulation 9 of these regulations in regard to appeals by way of stated case under section 62 of the Act of 1954, the local committee shall, as soon as possible after receiving an application for an interim appeal certificate, issue such certificate on a form provided by the Society for the purpose:

Provided that such certificate shall not be issued unless the local committee have received a provisional financial certificate, where appropriate, and are satisfied in the case of an applicant—

- (a) who was refused legal aid under section 1(6A)(i)(b) of the Act, or
- (b) who ceased to receive legal aid in the court of first instance under a direction by the court, under section 10(1)(e) of the Act of Adjournal, made following a finding by the court that he had wilfully or deliberately given false information or furnished false particulars,

that it would not be unreasonable that the services of an interim solicitor should be made available to him in connection with his application for an appeal certificate.

(3) The local committee shall forthwith intimate their decision on the application for an interim appeal certificate to the applicant, the prosecutor and the clerk of court; and that decision shall be final subject to—

- (a) any review that may be necessary following a determination by the sheriff court, under section 8(2) of the Act of Adjournal, that an applicant who was refused a provisional financial certificate by the sheriff clerk, under regulation 7(1) of these regulations, meets the conditions for issue of such certificate; or
- (b) a decision, under section 10(3)(b) of the Act of Adjournal, that it would be reasonable for the purposes of an appeal that a direction made under section 10(1)(e) of the Act of Adjournal should cease to have effect.

(4) Where an interim appeal certificate is to be issued and the applicant has requested that a particular solicitor on the appropriate list should act for him, the committee shall appoint that solicitor as interim solicitor unless it is not reasonably practicable for him so to act in which case they may appoint another solicitor on the appropriate list; and the committee shall inform the applicant, the prosecutor and the clerk of court of the appointment.

(5) The interim solicitor shall carry out the duties prescribed in the Scheme for a nominated solicitor acting in such an appeal until he receives intimation either—

- (a) that the sheriff court, acting under section 8(2) of the Act of Adjournal, has discharged the provisional financial certificate; or

(b) that the Supreme Court Committee has discharged the interim appeal certificate.

(6) The Supreme Court Committee shall discharge the interim appeal certificate if—

(a) they receive intimation that the provisional financial certificate has been discharged by the court ; or

(b) they are refusing an appeal certificate ;

and such discharge of the certificate shall be intimated to the interim solicitor and his Edinburgh correspondent, the prosecutor and the clerk of court.

(7) If the Supreme Court Committee are satisfied, under article 21(1) of the Scheme, that the applicant has substantial grounds for taking the appeal and that it is reasonable that he should receive legal aid, and they have received a report, under section 8(2) of the Act of Adjournal, to the effect that otherwise there is eligibility for legal aid, they shall replace the interim appeal certificate by an appeal certificate ; and thereafter procedure in connection with legal aid for the appeal shall be in accordance with the relevant provisions of the Scheme :

Provided that the interim solicitor shall be appointed as nominated solicitor unless, on special cause shown, the local committee find it necessary to appoint another solicitor to act as nominated solicitor.

*Matters of special urgency in regard to appeals by stated case*

9.—(1) The provisions of this regulation shall apply only in the case of a person who, following the final determination of a summary prosecution in any court, seeks legal aid for the purpose of proceedings on appeal by way of stated case under section 62 of the Act of 1954.

(2) Where any such person was convicted in the said prosecution and—

(a) at the time of his conviction he had the services of a nominated solicitor or of a duty solicitor, such solicitor, if he is of opinion that in all the circumstances there are good grounds for an appeal being taken by way of stated case, shall submit a statement in writing of such grounds with the application for an interim appeal certificate to the local committee ;

(b) at the time of his conviction he did not have the services of a solicitor under the Act, that person shall submit a statement in writing of the grounds of his proposed appeal with his application for an interim appeal certificate to the local committee.

(3) When any statement in writing referred to in paragraph (2) of this regulation is received by the local committee it shall be considered forthwith by the Secretary and a member, or by two members, of the committee, or, where circumstances so demand, by the secretary or one member of the committee, and unless, after such inquiry as they, or he, may deem sufficient in the circumstances, they are, or he is, reasonably satisfied that there are no *prima facie* grounds for an appeal in terms of section 1(6A)(ii) of the Act, the committee shall, subject to the provisions of regulation 8 of these regulations and of this regulation, issue an interim appeal certificate, and otherwise the committee shall refuse to issue such a certificate ; and in either event the decision of the committee so taken shall be final except as provided in regulation 8(3) of these regulations.

(4) Where the prosecutor in summary proceedings applies for a stated case under section 62 of the Act of 1954 and the person concerned seeks legal aid in relation thereto, the local committee shall, on a request by the nominated solicitor or by the said person, as the case may be, issue an interim appeal certificate, provided they are satisfied, in any case in which it is appropriate, that a provisional financial certificate has been granted.

(5)(a) Where an interim appeal certificate is issued within the statutory period for application for a stated case, the nominated solicitor, or interim solicitor, shall submit it to the clerk of court with an application for such a case on behalf of the person concerned together with, where appropriate, an application to the court asking the court to have regard to section 12 of the Act of Adjournal in fixing the amount of the sum to be consigned or for which caution is to be found under section 64 of the Act of 1954.

(b) Where an application for a stated case is made to the court and an interim appeal certificate is obtained after the expiry of the said statutory period, the solicitor concerned shall lodge the interim appeal certificate with the clerk of court.

(6) Where an interim appeal certificate is issued, the solicitor named in the certificate shall carry out the procedure specified in section 67 of the Act of 1954, and he shall also send a copy of the stated case, as adjusted, to the Supreme Court Committee together with an application for an appeal certificate in the form prescribed in regulation 3 of these regulations.

(7) An interim appeal certificate issued under this regulation shall entitle the assisted person to legal aid until an adjusted stated case is lodged with the High Court or until such earlier date as the certificate is discharged by the Supreme Court Committee under regulation 8(6) of these regulations; and it is hereby declared that the duties of a solicitor acting under such a certificate in respect of proceedings by way of appeal following the determination of proceedings in a court of summary jurisdiction in which legal aid is not available under the Act, shall include any necessary attendance before that court in connection with the appeal.

#### *Fees etc. agreed by the Society to be treated as allowed on taxation*

10. Where an amount is fixed by the Society, whether on account of outlays or fees, by agreement with the solicitor to whom such amount is payable in the first instance out of the Legal Aid (Scotland) Fund, that amount shall, for the purposes of Schedule 3 to the Act, be treated as if it were an amount allowed on taxation:

Provided that this regulation shall not have effect in relation to any amount if any person to or by whom such amount is payable, in whole or in part, requires it to be fixed by taxation.

#### *Provisions as to persons already admitted as poor persons*

11.—(1) In the case of the persons referred to in paragraph (2) of this regulation, the provisions of the Act shall not apply, and in lieu thereof the enactments specified in Part I of Schedule 8 to the Act, in so far as they relate to the representation of persons in criminal proceedings, shall continue to apply and shall be deemed not to have been repealed.

(2) The said persons are persons who, before the date on which these regulations come into operation,—

(a) are being represented as poor persons for the purpose of proceedings in the High Court sitting as a court of first instance or in the sheriff court, and have made at least one appearance in the sheriff court in connection with those proceedings, or

(b) are being represented as poor persons for the purpose of proceedings on appeal in the High Court,

and who do not cease, with the approval of the court, to be so represented for the purpose of the said proceedings.

*Michael Noble,*  
One of Her Majesty's  
Principal Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
15th September 1964.

We concur in regulation 11.

*John Peel,*  
*M. A. Hamilton,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

18th September 1964.

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#### EXPLANATORY NOTE

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations contain miscellaneous general provisions relating to the administration of criminal legal aid. They also modify the Legal Aid (Scotland) Act 1949 in relation to applicants having rights or facilities in relation to their defence or seeking criminal legal aid in matters of special urgency. They also contain transitional provisions specifying the circumstances in which persons, who are being represented as poor persons in criminal proceedings when criminal legal aid comes into operation, shall continue to be so represented.

## 1964 No. 1537

## CUSTOMS AND EXCISE

## The Import Duties (General) (No. 9) Order 1964

*Made* - - - - 21st September 1964  
*Laid before the*  
*House of Commons* 24th September 1964  
*Coming into Operation* 30th September 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 1, 2 and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following order:—

1. So as to give effect to a decision of the Council of the European Free Trade Association to delete whalemeat extract from Annex E to the Convention, the Schedule to the Import Duties (General) (No. 3) Order 1961(b) (which Schedule by reference to the Customs Tariff 1959 sets out the import duties chargeable under the Import Duties Act 1958) shall be amended as follows:—

In heading 16·03, there shall be inserted the following sub-heading, and the existing sub-heading (B) shall be renumbered accordingly—

“(B) Whalemeat extract 10% — 2½%”  
 with the rates of duty in columns 2 and 4.

2.—(1) In this Order “the Convention” means the Convention establishing the European Free Trade Association signed at Stockholm on 4th January 1960.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3.—(1) This Order may be cited as the Import Duties (General) (No. 9) Order 1964.

(2) This Order shall come into operation on 30th September 1964.

*John Peel,*

*M. A. Hamilton,*

Two of the Lords Commissioners  
 of Her Majesty's Treasury.

21st September 1964.

**EXPLANATORY NOTE**

*(This Note does not form part of the Order, but is intended to indicate its general purport.)*

This Order introduces a reduced E.F.T.A. rate of import duty, equal to one-quarter of the current full rate of import duty, on whalemeat extract, which has not previously been subject to E.F.T.A. duty reduction.

1964 No. 1538

**CUSTOMS AND EXCISE**

**The Import Duty Drawbacks (No. 8) Order 1964**

*Made* - - - - 21st September 1964  
*Laid before the House*  
*of Commons* 24th September 1964  
*Coming into Operation* 7th October 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 9 and 13 of, and Schedule 5 to, the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1.—(1) Schedule 1 to the Import Duty Drawbacks (Consolidation) Order 1962(b) (which relates to the drawbacks to be allowed on the exportation of imported articles or goods incorporating them) shall be amended as follows.

(2) In column 2 of the entry relating to heading 73.40, there shall be inserted at the end of paragraph (e) the following—

“(f) for steel key-plates, brassed and lacquered and with a sliding bar, but without hooks or loops, being key-plates which on exportation are incorporated in key containers ;

(g) for spherical-headed hooks and loops which on exportation are incorporated in key containers ;”.

(3) In column 2 of the entry relating to heading 83.09, there shall be inserted at the end the following—

“(c) for steel key-plates, brassed and lacquered and with a sliding bar, complete with spherical-headed hooks or loops, being key-plates which on exportation are incorporated in key containers.”

2.—(1) Schedule 2 to the said Order of 1962 (which relates to the drawbacks to be allowed on the exportation of goods produced or manufactured from imported articles) shall be amended as follows.

(2) There shall be inserted the entries set out in the Schedule to this Order.

(3) In the entry relating to photographic film and photographic film base, in column 3, for “3s. 6d.”, “4s. 7d.” and “6s. 5d.” (the rates of drawback per 100 square feet of film base applicable to the three thicknesses of film base mentioned in column 2 of the entry) there shall be substituted respectively “3s. 3d.”, “5s. 1d.” and “5s. 11d.”.



3.—(1) This Order may be cited as the Import Duty Drawbacks (No. 8) Order 1964.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 7th October 1964.

*John Peel,*

*M. A. Hamilton,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

21st September 1964.

#### SCHEDULE

##### DRAWBACK ON EXPORTATION OF GOODS PRODUCED OR MANUFACTURED FROM IMPORTED ARTICLES

<i>Exported goods</i>	<i>Imported goods</i>	<i>Rate of drawback</i>
Railway fishplates of "improved" wood within the meaning of Chapter 44 of the Customs Tariff 1959.	Wooden veneer sheets.	8s. 0d. per cwt. of fishplates.
Steel-rule die-blocks of "improved" wood within the meaning of Chapter 44 of the Customs Tariff 1959.	Wooden veneer sheets.	8s. 8d. per cwt. of steel-rule die-blocks.

#### EXPLANATORY NOTE

*(This Note does not form part of the Order, but is intended to indicate its general purport.)*

This Order provides for—

- (a) the allowance of drawback of import duty on the exportation of certain steel key-plates imported with or without hooks or loops, and of imported hooks and loops for key-plates, when exported incorporated in containers for keys ;
- (b) the allowance of drawback of import duty on imported wooden veneer sheets used in the manufacture of certain "improved" wood articles for export ; and
- (c) the alteration of the rates of drawback of import duty on certain imported photographic film base used in the manufacture for export of sensitised but unexposed photographic film or certain photographic film base.

(a) 52 & 53 Vict. c. 63.

1964 No. 1551

ANIMALS

DISEASES OF ANIMALS

**The Importation of Animal Semen (Amendment) Order 1964**

Made - - - - 18th September 1964

Coming into Operation 2nd November 1964

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly, in exercise of the powers conferred on them by sections 1, 20, 24, 33 and 85 of the Diseases of Animals Act 1950(a) and section 11 of the Agriculture (Miscellaneous Provisions) Act 1954(b), as extended to horses by the Diseases of Animals (Extension of Definitions) Order 1952(c), and of all other powers enabling them in that behalf, hereby order as follows:—

*Citation and commencement*

1. This order, which may be cited as the Importation of Animal Semen (Amendment) Order 1964, shall come into operation on 2nd November 1964.

*Interpretation*

2. The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

*Amendment of the Importation of Animal Semen Order 1955*

3. The Importation of Animal Semen Order 1955(e) (which prohibits the landing or unloading in Great Britain of the imported semen of certain animals and poultry, except under licence) shall be varied in article 4 thereof by the substitution of the word "horses" for the word "swine".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 18th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

(a) 14 Geo. 6. c. 36.

(b) 2 & 3 Eliz. 2. c. 39.

(c) S.I. 1952/1236 (1952 I. p. 128).

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1955/1390 (1955 I. p. 207).

**EXPLANATORY NOTE**

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order, made under the Diseases of Animals Act 1950, amends the Importation of Animal Semen Order 1955, which prohibits the importation of the semen of certain animals and poultry without a licence. Horses are added to the list of animals to which the prohibition applies, and swine are excluded. The importation of the semen of swine without a licence is nevertheless prohibited by section 17 of the Agriculture (Miscellaneous Provisions) Act 1943, as a result of the making of the Artificial Insemination of Pigs (England and Wales) Regulations 1964 (S.I. 1964/1172) and the Artificial Insemination of Pigs (Scotland) Regulations 1964 (S.I. 1964/1171). The importation of the semen of horses without a licence has hitherto been prohibited by virtue of the Importation and Exportation of Semen and Imported Semen (England and Wales) Regulations 1946 (S.R. & O. 1946/323) and the corresponding regulations for Scotland (S.R. & O. 1946/281), both of which have now been revoked.

1964 No. 1552

AGRICULTURE

LIVESTOCK INDUSTRIES

**The Importation and Exportation of Semen and Imported Semen (England and Wales) (Revocation) Regulations 1964**

<i>Made</i> - - - -	18th September 1964
<i>Laid before Parliament</i>	24th September 1964
<i>Coming into Operation</i>	2nd November 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 17 of the Agriculture (Miscellaneous Provisions) Act 1943(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

*Citation and commencement*

1. These regulations may be cited as the Importation and Exportation of Semen and Imported Semen (England and Wales) (Revocation) Regulations 1964 and shall come into operation on 2nd November 1964.

*Interpretation*

2. The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

*Revocation*

3. The Importation and Exportation of Semen and Imported Semen (England and Wales) Regulations 1946(c) are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 18th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture,  
Fisheries and Food.

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(a) 6 & 7 Geo. 6. c. 16.

(b) 52 & 53 Vict. c. 63.

(c) S.R. & O. 1946/323 (Rev. II, p. 719: 1946 I, p. 19).

**EXPLANATORY NOTE**

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations revoke the Importation and Exportation of Semen and Imported Semen (England and Wales) Regulations 1946 (S.R. & O. 1946/323), which contain provisions relating to the licensing of the importation and exportation of cattle and horse semen.

The revocation, however, effects no material change in the law, since the importation without a licence—

(a) of cattle semen continues to be prohibited by virtue of section 17(3) of the Agriculture (Miscellaneous Provisions) Act 1943, and the Artificial Insemination of Cattle (England and Wales) Regulations 1957 (S.I. 1957/948); and

(b) of horse semen continues to be prohibited by virtue of the Importation of Animal Semen (Amendment) Order 1964 (S.I. 1964/1551) made under the Diseases of Animals Act 1950.

The exportation of both cattle and horse semen without a licence continues to be prohibited under section 17(4) of the 1943 Act.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1553 (C. 20)

**SEA FISHERIES**

**The Fishery Limits Act 1964 (Commencement) Order 1964**

*Made - - - - 22nd September 1964*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred on them by section 5(2) of the Fishery Limits Act 1964<sup>(a)</sup> hereby make the following Order:—

1. The Fishery Limits Act 1964 shall come into operation on 30th September 1964.
2. This Order may be cited as the Fishery Limits Act 1964 (Commencement) Order 1964.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 18th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 22nd September 1964.

*Henry Brooke,*  
Secretary of State for the Home Department.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order brings the Fishery Limits Act 1964 into operation on 30th September 1964.

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(a) 1964 c. 72.

1964 No. 1554 (S. 100)

**AGRICULTURE**

**LIVESTOCK INDUSTRIES**

**The Artificial Insemination (Importation and Exportation of Semen and Imported Semen) (Scotland) (Revocation) Regulations 1964**

*Made* - . . . . . 18th September 1964  
*Laid before Parliament* 24th September 1964  
*Coming into Operation* 2nd November 1964

In exercise of the powers conferred on me by section 17 of the Agriculture (Miscellaneous Provisions) Act 1943<sup>(a)</sup> and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the Artificial Insemination (Importation and Exportation of Semen and Imported Semen) (Scotland) (Revocation) Regulations 1964 and shall come into operation on 2nd November 1964.
2. The Interpretation Act 1889<sup>(b)</sup> shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.
3. The Artificial Insemination (Importation and Exportation of Semen and Imported Semen) (Scotland) Regulations 1946<sup>(c)</sup> are hereby revoked.

*Michael Noble,*  
 One of Her Majesty's Principal  
 Secretaries of State.

St. Andrew's House,  
 Edinburgh, 1.  
 18th September 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations revoke the Artificial Insemination (Importation and Exportation of Semen and Imported Semen) (Scotland) Regulations 1946 (S.R. & O. 1946/281), which contain provisions relating to the licensing of the importation and exportation of cattle and horse semen.

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(a) 6 & 7 Geo. 6. c. 16.

(b) 52 & 53 Vict. c. 63.

(c) S.R. & O. 1946/281 (Rev. II, p. 735: 1946 I, p. 23).

The revocation, however, effects no material change in the law, since the importation without a licence—

- (a) of cattle semen continues to be prohibited by virtue of section 17(3) of the Agriculture (Miscellaneous Provisions) Act 1943, and the Artificial Insemination of Cattle (Scotland) Regulations 1957 (S.I. 1957/1954); and
- (b) of horse semen continues to be prohibited by virtue of the Importation of Animal Semen (Amendment) Order 1964 (S.I. 1964/1551) made under the Diseases of Animals Act 1950.

The exportation of both cattle and horse semen without a licence continues to be prohibited under section 17(4) of the 1943 Act.



1964 No. 1556

**POLICE**

**ENGLAND AND WALES**

**The Police Authorities (Appointment of Magistrates) Rules 1964**

*Made* . . . . . 23rd September 1964

*Coming into Operation* . . . . . 1st October 1964

In exercise of the powers conferred on me by section 2(4) of the Police Act 1964(a), I hereby make the following Rules:—

*Appointments to police committee for a county*

1.—(1) The members of a police committee for a county to be appointed by the court of quarter sessions for the county, in pursuance of section 2(2) of the Police Act 1964, shall be appointed at least seven days before the appropriate date in the year in which the appointments are to take effect.

(2) A member of a police committee appointed in accordance with this Rule shall serve thereon from the appropriate date in the year in which his appointment takes effect until the appropriate date in such one of the three following years as the court of quarter sessions may determine; and, in determining the term of an appointment, the court of quarter sessions shall have regard to the term for which members of the police committee appointed by the council of the county serve thereon.

(3) Subject to Rule 5 of these Rules, in this Rule the expression “the appropriate date” means, in relation to a particular year, the date in that year of the annual meeting of the council of the county.

*Appointments to watch committee for a borough*

2.—(1) The members of a watch committee for a borough to be appointed by the magistrates for the borough, in pursuance of section 2(3) of the Police Act 1964, shall be appointed at the meeting of the magistrates held for the purpose of electing a chairman of the bench, in accordance with rules made under section 13 of the Justices of the Peace Act 1949(b), in the year preceding that in which the appointments are to take effect.

(2) A member of a watch committee appointed in accordance with this Rule shall serve thereon from the appropriate date in the year in which his appointment takes effect until the appropriate date in the next following year.

(3) Subject to Rule 5 of these Rules, in this Rule the expression “the appropriate date” means, in relation to a particular year, the date in that year of the annual meeting of the council of the borough.

*Casual Vacancies*

3.—(1) If a casual vacancy occurs on a police committee for a county or on a watch committee for a borough among the members appointed in accordance with these Rules, whether through death, resignation or otherwise, the court of quarter sessions for the county or, as the case may be, the magistrates for the borough shall, unless they determine that it is not necessary so to do, make an appointment to fill the vacancy at the next practicable sessions or meeting.

(2) A member of a police committee or of a watch committee appointed in accordance with this Rule shall serve thereon for the period for which the member he replaces would have served had the vacancy not occurred.

*Supplementary provisions*

4.—(1) If, by reason that the council of the county or borough have not determined the number of persons comprising the police committee or, as the case may be, the watch committee or of other circumstances, appointments to a police committee or watch committee, in accordance with these Rules, are not made at the sessions or meeting at which they would otherwise be made, those appointments shall be made at the next practicable sessions or meeting.

(2) If the council of the county or borough determine that the number of persons comprising the police committee or, as the case may be, the watch committee shall be varied as from a specified date, the court of quarter sessions or, as the case may be, the magistrates for the borough may at any sessions or meeting—

- (a) make additional appointments to the committee, or
- (b) terminate any appointment to the committee made in accordance with these Rules,

as the circumstances may require, in either case with effect from the specified date; and, subject as aforesaid, in the case of such an additional appointment these Rules shall apply as if the appointment were made in accordance with Rule 1 or, as the case may be, Rule 2 of these Rules.

(3) Where an appointment to a watch committee falls to be made or terminated in accordance with these Rules by the magistrates for the borough nominations shall be permitted, but where voting is necessary it shall be by ballot and there shall be no disclosure how any magistrate voted:

Provided that where any magistrates receive an equal number of votes and the addition of a vote would result in the appointment of one of them being made or terminated, the clerk to the magistrates shall forthwith decide between those magistrates by lot and the magistrate on whom the lot falls shall be deemed to have received an additional vote.

*Transitory provisions*

5. The first appointments to a police committee or watch committee in accordance with these Rules shall take effect on 1st June 1965 (when the provisions of section 2 of the Police Act 1964 relating to such committees come into force) and accordingly, in relation to the year 1965, the appropriate date for the purposes of Rules 1 and 2 of these Rules shall be 1st June.

*Citation and commencement*

6. These Rules may be cited as the Police Authorities (Appointment of Magistrates) Rules 1964 and shall come into operation on 1st October 1964.

*Henry Brooke,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.  
23rd September 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

Subsections (1) to (3) of section 2 of the Police Act 1964 (which come into force on 1st June 1965) provide that the police authority for a county or county borough shall be a committee of the appropriate council (known as the police committee in a county and as the watch committee in a borough) and consist, as to two thirds, of members of the council and, as to one third, of magistrates.

These Rules make provision as respects the time, manner and term of appointment of magistrates to such police authorities.

1964 No. 1560 (S. 101)

## EDUCATION, SCOTLAND

**The Teachers (Training Authorities) (Scotland) (Amendment No. 1) Regulations 1964**

Made - - - - - 24th September 1964  
 Laid before Parliament 24th September 1964  
 Coming into Operation 1st October 1964

In exercise of the powers conferred on me by sections 81(2) and 144(5) of the Education (Scotland) Act 1962(a) and of all other powers enabling me in that behalf and having in accordance with the provisions of section 144(2) of the said Act before making these regulations caused a draft of the regulations to be published and sent a copy thereof to every education authority and having had regard to the representations made, I hereby make the following regulations—

*Citation, interpretation and commencement*

1. These regulations, which may be cited as the Teachers (Training Authorities) (Scotland) (Amendment No. 1) Regulations 1964, shall be read as one with the Teachers (Training Authorities) (Scotland) Regulations 1958(b) as amended (c) (hereinafter referred to as the “principal regulations”) and shall come into operation on 1st October 1964.

*Amendment of regulation 1 of the principal regulations*

2. In regulation 1(1) (which relates to the incorporation of training authorities):—

- (1) after the words “The Governors of Notre Dame College of Education” the word “and” shall be omitted; and
- (2) after the words “The Governors of Dunfermline College of Physical Education, Aberdeen” there shall be added the words—

“‘The Governors of Callendar Park College of Education’ and ‘The Governors of Craigie College of Education’”.

*Amendment of regulation 5 of the principal regulations*

3. In regulation 5(1) (which relates to the period of office of governors):—

- (1) after the words “(1) The period of office of the governors” there shall be inserted the words “other than the Governors of Callendar Park College of Education and of Craigie College of Education”: and
- (2) after the words “three years” there shall be added the words “In the case of the Governors of Callendar Park College of Education and of Craigie College of Education the first period of office shall, subject also to the said provisions, end on the second Tuesday of May 1967”.

*Amendment of regulation 16 of the principal regulations*

4. In regulation 16(3) (which relates to the quorums of training authorities):—

- (1) in sub-paragraph (a) there shall be substituted for the word “eleven” the word “thirteen”; and

(a) 10 &amp; 11 Eliz. 2. c. 47.

(b) S.I. 1958/1634 (1958 I, p. 1025).

(c) The amending regulations are not relevant to the subject matter of these regulations.

(2) in sub-paragraph (d)—

(a) the word “and” shall be omitted; and

(b) after the word “Aberdeen” there shall be inserted the words “of the Governors of Callendar Park College of Education and of the Governors of Craigie College of Education.”

*Amendment of regulation 19 of the principal regulations*

5. In regulation 19 (which relates to salaries) there shall be substituted for the word “seven”, wherever it occurs, the word “nine”.

*Amendment of regulation 25 of the principal regulations*

6. In regulation 25(1) (which relates to co-operation with universities) there shall be substituted for the word “the”, where first occurring, the word “any”.

*Amendment of regulation 27 of the principal regulations*

7. In regulation 27(2) (which relates to the submission to the governing body of a scheme for a board of studies) after the word “approval” there shall be added the words “except in the cases of Callendar Park College of Education and Craigie College of Education where in both the schemes shall be so submitted on or before 31st January 1965”.

*Assumption of responsibility by governing body of an additional college of education*

8. The following regulation shall be added to Part IV of the principal regulations—

“45C The Scottish Council shall determine the date on which a governing body shall assume responsibility for an additional college of education”.

*Amendment of regulation 51 of the principal regulations*

9. In regulation 51 (which relates to first appointments, elections and nominations):—

(1) after the words “(1) The governors” there shall be inserted the words “other than the governors of an additional college”; and

(2) the following paragraph shall be added:—

“(1A) The governors of an additional college shall be appointed as soon as possible after the date on which the governing body is constituted.”

*Amendment of regulation 52 of the principal regulations*

10. In regulation 52 (which relates to first meetings of training authorities):—

(1) after the words “each governing body” there shall be inserted the words “other than the governing body of an additional college”; and

(2) the following paragraph shall be added:—

“(1A) The first meeting of the governing body of an additional college shall be convened by the Chairman whom failing the Vice-Chairman of the Scottish Council. In each case the meeting shall be convened for a date as soon as may be following that on which the Scottish Council determine, in terms of regulation 45C, that the governing body shall assume responsibility.”

*Amendment of regulation 53 of the principal regulations*

11. In regulation 53 (which relates to the transfer of staff):—

- (1) after “ 53 ” there shall be inserted the figure “ —(1) ” ; and
- (2) the following paragraph shall be added:—

“ (2) Any person employed by the Scottish Council as a member of the staff of an additional college shall, unless his employment ends before the date on which the Scottish Council determine, in terms of regulation 45C, that the governing body shall assume responsibility for the college in which he is employed, be employed by the appropriate training authority from and after the said date.”

*Amendment of regulation 55 of the principal regulations*

12. In regulation 55 (which relates to the transfer of heritable properties) the following paragraph shall be added:—

“ (1A) On the date determined by the Scottish Council in terms of regulation 45C, the heritable properties vested in the Scottish Council shall be and are hereby transferred without the necessity of any new instrument or conveyance to the governing body of the additional college ”.

*Amendment of regulation 68 of the principal regulations*

13. After paragraph (1) of regulation 68 the following paragraph shall be inserted:—

“ (1A) “ an additional college ” means a college of education provided after 10th November 1958.”

*Amendment of schedule 1 to the principal regulations*

14. In schedule 1 (which relates to the composition of governing bodies) after paragraph 7 the following paragraphs shall be added:—

*“ Callendar Park College of Education*

8. The Governors of Callendar Park College of Education shall be composed as follows:—

- (1) one person appointed by the education authority of the County of Stirling from the members of their education committee ;
- (2) three persons appointed by the Association of County Councils in Scotland being persons each of whom is a member of an education committee ;
- (3) one person appointed by the Scottish Counties of Cities Association being a person who is a member of an education committee ;
- (4) one person appointed by the Senate of the University of Edinburgh from their own number ;
- (5) five persons appointed by the Scottish Council, the said five persons being respectively a head teacher of a senior secondary school, a head teacher of a junior secondary school, a head teacher of a primary school and two other certificated teachers serving in schools or further education establishments ;
- (6) two persons appointed by the Education Committee of the General Assembly of the Church of Scotland ; and
- (7) two persons appointed by the Secretary of State, being persons of experience in education or having other qualifications which, in the opinion of the Secretary of State, make them suitable for appointment to the governing body.

*Craigie College of Education*

9. The Governors of Craigie College of Education shall be composed as follows:—

- (1) one person appointed by the education authority of the County of Ayr from the members of their education committee;
- (2) three persons appointed by the Association of County Councils in Scotland being persons each of whom is a member of an education committee;
- (3) one person appointed by the Scottish Counties of Cities Association being a person who is a member of an education committee;
- (4) one person appointed by the Senate of the University of Glasgow from their own number;
- (5) five persons appointed by the Scottish Council, the said five persons being respectively a head teacher of a senior secondary school, a head teacher of a junior secondary school, a head teacher of a primary school and two other certificated teachers serving in schools or further education establishments;
- (6) two persons appointed by the Education Committee of the General Assembly of the Church of Scotland; and
- (7) two persons appointed by the Secretary of State, being persons of experience in education or having other qualifications which, in the opinion of the Secretary of State, make them suitable for appointment to the governing body".

*Amendment of schedule 2 to the principal regulations*

15. In paragraph 1 of schedule 2 (which relates to the composition of the Scottish Council):—

- (1) there shall be substituted for the word "twenty-five" the word "twenty-nine"; and
- (2) the following sub-paragraph shall be added:—  
 "(1A) the vice-chairmen of the Governors of Callendar Park College of Education and of Craigie College of Education".

*Michael Noble,*

One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.

24th September 1964.

## EXPLANATORY NOTE

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations provide for the constitution of governing bodies for the new colleges of education at Falkirk (Callendar Park College of Education) and Ayr (Craigie College of Education).

1964 No. 1561

## MERCHANDISE MARKS

**The Motor Vehicles (Designation of Approval Marks)  
(No. 2) Regulations 1964**

*Made* - - - - 23rd September 1964

*Laid before Parliament* 24th September 1964

*Coming into Operation* 1st October 1964

The Minister of Transport (hereinafter referred to as “the Minister”), in exercise of his powers under section 47(1) of the Road Traffic Act 1962(a) and of all other powers him enabling in that behalf and, by virtue of section 52(2) of that Act, after consultation with representative organisations in accordance with the provisions of section 260(2) of the Road Traffic Act 1960(b), hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st October 1964 and may be cited as the Motor Vehicles (Designation of Approval Marks) (No. 2) Regulations 1964.

(2) In these Regulations the expression “the International Agreement of 1958” means the Agreement concerning the adoption of uniform conditions of approval and reciprocal recognition of approval for motor vehicle equipment and parts concluded at Geneva on 20th March 1958(c), and to which the United Kingdom is a party(d).

(3) The Interpretation Act 1889(e) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Minister hereby designates as an approval mark a marking which is in the same form and size as any one of the markings shown in the diagram in Part I of Schedule 1 to these Regulations subject, however, to the provisions of Part II of that Schedule, the said marking being one for which the International Agreement of 1958 by virtue of the Regulation specified in Schedule 2 to these Regulations and annexed to that Agreement makes such provision as is mentioned in section 47(1)(a) and (b) of the Road Traffic Act 1962 in relation to a motor vehicle part consisting of a reflex reflector.

Given under the Official Seal of the Minister of Transport the 23rd September 1964.

(L.S.)

*Ernest Marples,*

The Minister of Transport.

(a) 10 & 11 Eliz. 2. c. 59.

(b) 8 & 9 Eliz. 2. c. 16.

(c) Cmnd. 1830.

(d) By instrument of accession dated 14th January 1963 deposited with the Secretary-General of the United Nations on 15th January 1963.

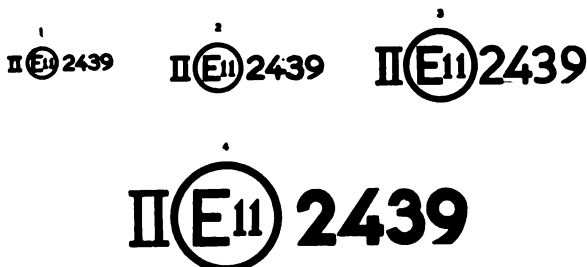
(e) 52 & 53 Vict. c. 63.



## SCHEDULE 1

## PART I

## DIAGRAMS SHOWING MARKING AND ALTERNATIVE SIZES OF MARKING



## PART II

1. The number shown inside the circle in the marking in each of the above diagrams will be varied, where appropriate, to be the number assigned to each Contracting State party to the International Agreement of 1958 and applying the Regulation specified in Schedule 2 to these Regulations.

2. The number which is shown outside and on the right of the circle in the said marking will be varied, where appropriate, to be the number allotted by a competent authority to distinguish the manufacturer of the motor vehicle part concerned, namely, a reflex reflector.

3. The roman numeral which is shown outside and on the left of the circle in the said marking will be varied to show either I or III according to whether the reflex reflector was placed in class I or III, and not in class II, when approved.

4. The number mentioned in paragraph 2 above and any roman numeral mentioned in paragraph 3 above may be placed in any position in relation to the circle in the said marking so long as they are diametrically opposite to one another.

## SCHEDULE 2

## REGULATION NO. 3. UNIFORM PROVISIONS FOR THE APPROVAL OF REFLEX REFLECTORS FOR MOTOR VEHICLES

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

Section 47(1) of the Road Traffic Act 1962 enacts that where any international agreement to which the United Kingdom is a party provides—

- (a) for markings to be applied to motor vehicle parts of any description to indicate conformity with a type approved by any country; and
- (b) for motor vehicle parts bearing those markings to be recognised as complying with the requirements imposed by the law of another country

the Minister of Transport may by regulations designate the markings as approval marks. Section 47 also provides, inter alia, that the use of any markings so designated shall be deemed to be a trade description for the purposes of the Merchandise Marks Acts 1887 to 1953 and that it shall be an offence under the 1887 Act to apply an approval mark without proper authority.

These Regulations designate for the purposes of section 47 as an approval mark a marking complying with the provisions of Schedule 1 to these Regulations and in respect of which the International Agreement of 1958 (referred to in the Regulations) and the Regulation specified in Schedule 2 to these Regulations and annexed to that Agreement makes such provision as is mentioned in (a) and (b) above. The motor vehicle part concerned is a reflex reflector.

1964 No. 1566

## AGRICULTURE

**The Price Stability of Imported Products (Levy Arrangements) (Amendment No. 4) Order 1964**

<i>Made - - - -</i>	<i>24th September 1964</i>
<i>Laid before Parliament</i>	<i>24th September 1964</i>
<i>Coming into Operation</i>	<i>28th September 1964</i>

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly in exercise of the powers conferred upon them by section 1(2), (3), (4), (6) and (7) of the Agriculture and Horticulture Act 1964<sup>(a)</sup> and of all other powers enabling them in that behalf, with the approval of the Treasury, hereby make the following order:—

1. This order may be cited as the Price Stability of Imported Products (Levy Arrangements) (Amendment No. 4) Order 1964; and shall come into operation on 28th September 1964.

2. The Price Stability of Imported Products (Levy Arrangements) Order 1964<sup>(b)</sup> as amended<sup>(c)</sup> shall be further amended—

(a) by substituting for paragraphs (a) and (b) of article 2(2) thereof the following paragraphs:—

“ (a) in relation to wheat, treated with any one of the dyes magenta, crystal violet, methyl violet or methylene blue in such a manner that the wheat shall contain not less than 20 parts per million by weight and not more than 80 parts per million by weight of such a dye evenly distributed throughout so that not less than 5 per cent of the grains are dyed and so distributed;

(b) in relation to wheat flour and wheat meal, treated with any one of the dyes magenta, crystal violet, methyl violet or methylene blue in such a manner that the wheat flour or wheat meal, as the case may be, shall contain not less than 20 parts per million by weight and not more than 80 parts per million by weight of such a dye evenly distributed throughout;

(c) as an alternative, in relation to wheat flour and wheat meal, treated with potassium iodate in such a manner that the wheat flour or wheat meal, as the case may be, shall contain iodine equivalent to not less than 40 parts per million by weight and not more than 80 parts per million by weight of potassium iodate evenly distributed throughout; ”;

(b) by substituting in article 5(2) thereto for the words “ 5 per cent ” where they occur in the third line, the words “ 3 per cent ”;

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706).

(c) S.I. 1964/989, 1146, 1463 (1964 II, pp. 2229, 2570; III, p. 3390).

(c) by substituting for paragraph 3 of Schedule 1 thereto the following paragraph :

“ 3. Any specified commodity being (within the meaning of section 12 of the Import Duties Act 1958) goods of any country named in the said Schedule 2 which is part of the area referred to in the said Act as the Commonwealth preference area and being goods which are consigned (or in the case of any goods of the countries referred to in section 2(9) of the said Act are consigned within the meaning of that subsection) from that country to the United Kingdom ; ” ;

(d) by substituting for paragraph 6 of Schedule 1 thereto the following paragraph :

“ 6. Any specified commodity falling within Chapter 10 of the Customs Tariff which is the subject of a grading certificate issued by an inspection agency under the United States of America federal licence and supervision and which is consigned from the United States of America either to the United Kingdom or to a port in Canada from which such specified commodity is subsequently consigned to the United Kingdom after the issue of the above mentioned grading certificate at that port in Canada from which it is consigned to the United Kingdom ; ” ;

(e) by adding to the countries named in Schedule 2 thereto the following entry—

“ Syrian Arab Republic.  
Finland.  
Kingdom of Denmark.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 17th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries  
and Food.

Given under the Seal of the Secretary of State for Scotland on 18th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 22nd September 1964.

*Henry Brooke,*  
Secretary of State for the  
Home Department.

Approved.

24th September 1964.

*John Peel,*  
*Martin McLaren,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

**EXPLANATORY NOTE**

*(This note is not part of the order, but is intended to indicate its general purport.)*

This order, which amends the Price Stability of Imported Products (Levy Arrangements) Order 1964 (S.I. 1964/809), alters the definition of "denatured" in relation to wheat, wheat flour and wheat meal to provide for a wider tolerance in the quantity of denaturing agent which is required to be present and, in the case of wheat, for a minimum proportion of the grains to be dyed. The provisions for determining exemption from any general levy for goods of co-operating countries have been amended to include U.S. grain which has been consigned in certain limited circumstances from a Canadian port, and goods of certain African countries which have been consigned within the meaning of section 2(9) of the Import Duties Act 1958 (which relates to Commonwealth preference) from the port of Lourenco Marques or Beira.

The order also adds the Syrian Arab Republic, Finland and Denmark to the list of co-operating countries.

1964 No. 1567

**HIRE-PURCHASE****The Hire-Purchase (Documents) (Legibility and Statutory Statements) Regulations 1964***Made* . . . . . 24th September 1964*Coming into Operation* . . . . . 1st January 1965

The Board of Trade, in pursuance of the powers conferred upon them by section 3(4) of the Hire-Purchase Act 1964(a) (hereinafter called "the Act of 1964"), by sections 2(3) and 3(3) of the Hire-Purchase Act 1938(b) (hereinafter called "the principal Act") as modified and extended to Scotland by section 25 of the Act of 1964, by section 22 of the Act of 1964 and by that section as modified and extended to Scotland by section 26 of the Act of 1964, by sections 2(2) and 3(2) of the principal Act as modified by subsections (3) and (4) of section 5 of the Act of 1964 and by those sections as so modified and extended to Scotland by the said section 26, hereby make the following Regulations:—

**PART I****LEGIBILITY OF DOCUMENTS**

1. Every document to which this Part of these Regulations apply shall comply with the following provisions of the said Part.

2.—(1) The paper of the document shall be white and, except as otherwise provided in these Regulations, the lettering of the document shall be black or dark grey.

(2) The lettering, apart from any signature, shall be clear.

3.—(1) The following parts of the contents of the document may consist of handwriting or a reproduction of handwriting, that is to say—

- (a) particulars relating to any person named in the document ;
- (b) particulars of the goods ;
- (c) the financial particulars of any transaction, including the date on which, or the period for which, any payment is to be made ;
- (d) any signature or copy thereof ;
- (e) any date ;
- (f) any amount (whether in figures or words) inserted in the notice mentioned in section 2(2)(c) of the principal Act or in a copy of that notice ;
- (g) in the case of a document referred to in Regulation 6(1)(b) or a copy of such a document, the words "all the" or the number referred to in Regulation 6(2) included within the space outlined for the signature of the buyer.

(2) Except as provided in paragraph (1) of this Regulation the contents of the document shall not consist of handwriting or a reproduction thereof.

(3) Any signature may be in any colour, and the colour of the lettering in any other part of the contents of the document which by virtue of this Regulation may consist of, and which does consist of, handwriting may be blue.

4.—(1) The lettering in the document shall be roman or upright sanserif.

(2) The height of the smallest letter in the document shall be not less than  $\cdot 056$  of an inch, and the width of any column in the document shall not exceed  $4\frac{1}{2}$  inches:

Provided that the limit on the width of the column shall not apply to any part of the document if the height of the smallest letter in that part of the document is not less than  $\cdot 067$  of an inch.

(3) Subject to the provision of Regulation 7(7) hereof the lettering in the document shall not be in capital letters except that capital letters may be used—

(a) for the initial letters of words ; or

(b) in headings.

(4) The provisions of this Regulation shall not apply to—

(a) any part of the contents of the document which by virtue of Regulation 3 may consist of, and which does consist of, handwriting or a reproduction thereof ;

(b) any instructions for the completion of the document.

5. This Part of these Regulations shall apply to documents of the following descriptions, that is to say,—

(a) any hire-purchase agreement to which the principal Act applies, and any conditional sale agreement to which section 21 of the Act of 1964 applies, and any such copy as is mentioned in paragraph (d) or paragraph (e) of section 2(2) of the principal Act ;

(b) any credit-sale agreement to which the principal Act applies under which the total purchase price exceeds £30, and any such copy as is mentioned in paragraph (c) or paragraph (d) of section 3(2) of that Act ;

(c) any copy supplied to the hirer or buyer in pursuance of a request made by him under section 6 of the principal Act ;

(d) any note or memorandum of a contract of guarantee relating to such a hire-purchase agreement, conditional sale agreement or credit-sale agreement as is mentioned in paragraph (a) or paragraph (b) of this Regulation, and any such copy as is mentioned in paragraph (a) or paragraph (b) of section 20(1) of the Act of 1964 ;

(e) any such copy as is mentioned in paragraph (a) or paragraph (b) of subsection (4) of section 20 of the Act of 1964 which is supplied to the guarantor in pursuance of a request made by him under subsection (3) of that section.

## PART II

## STATUTORY STATEMENTS—SPACE FOR SIGNATURE

6.—(1) The following provisions of this Regulation shall apply to every document which on being signed as mentioned in section 2(2)(a) or section 3(2)(a) of the principal Act—

- (a) constitutes a hire-purchase agreement to which that Act applies, or
- (b) constitutes a conditional sale agreement to which section 21 of the Act of 1964 applies, or
- (c) constitutes a credit-sale agreement to which the principal Act applies under which the total purchase price exceeds £30.

(2) The signature of the hirer or buyer, as the case may be, shall be inserted in a space in the document outlined in the manner indicated in Part I of the Schedule hereto and accompanied by the words specified in that Part which are appropriate to that document and set out in the form therein indicated and, in the case of a document referred to in paragraph (1)(b) of this Regulation, those words shall include immediately before the word “instalments” the words “all the” or the number of the instalments which must be paid before the goods will become the property of the buyer:

Provided that nothing in this paragraph shall require there to be any particular number of words to a line.

(3) The width of the outlined area shall be not less than  $3\frac{1}{2}$  inches, and its height shall be not less than  $1\frac{1}{2}$  inches in the case of a credit-sale agreement and not less than 2 inches in the case of any other agreement; and the thickness of the outlining shall be not less than .025 of an inch.

(4) The colour of the lettering within the outlined area and of the outlining of that area shall be red and the height of the smallest letter within the outlined area shall be not less than .067 of an inch.

(5) Paragraph (4) of this Regulation shall not apply to any words which by virtue of Regulation 3(1)(g) may be, and which are, in handwriting or a reproduction of handwriting, but the lettering of those words may be red.

(6) The distance vertically between any of the words which are to appear in the outlined area above the place for signature and—

- (a) in the case of a hire-purchase agreement or a conditional sale agreement, any of the words which are to appear below that place, or
- (b) in the case of a credit-sale agreement, the lower horizontal line of the outlined area

shall be not less than 1 inch.

(7) Nothing in this Regulation shall prohibit the inclusion within the outlined area of any postage stamp which does not obscure any of the words required by this Regulation to be included within the outlined area.

## PART III

## STATUTORY STATEMENTS—RIGHT OF CANCELLATION

7.—(1) In a case to which section 5(1) of the Act of 1964 applies the first statutory copy and the second statutory copy in relation to the relevant document shall contain the statements specified, respectively, in sections 1 and 2 of Part II of the Schedule hereto set out in, and outlined in, the manner therein indicated; and the following provisions of this Regulation shall apply in the case of each copy:



Provided that nothing in this paragraph shall require there to be any particular number of words to a line.

(2) The statement shall appear on the page which contains particulars of the goods to which the relevant document relates.

(3) The width of the outlined area shall be not less than 6 inches and its height shall be not less than  $2\frac{1}{4}$  inches in the first statutory copy and not less than  $2\frac{1}{2}$  inches in the second statutory copy; and the thickness of the outlining shall be not less than .025 of an inch.

(4) The colour of the lettering and the outlining of the area shall be red.

(5) The height of the smallest letter within the outlined area shall be not less than .067 of an inch.

(6) Where the lettering of the name and address required to be included within the outlined area consists of handwriting or a reproduction of handwriting that lettering may be, but shall not be required by virtue of paragraph (4) of this Regulation to be, in red, and paragraph (5) of this Regulation shall not apply to that lettering.

(7) The words "NOTICE TO CUSTOMER: RIGHT OF CANCELLATION" shall be in capital letters.

#### PART IV

##### GENERAL

8.—(1) In these Regulations the words "letter" and "lettering" include figures.

(2) In the application of these Regulations to conditional sale agreements to which section 21 of the Act of 1964 applies, any reference to any provision of that Act (other than the said section 21) or of the principal Act shall be construed as a reference to that provision as it has effect in relation to such an agreement by virtue of subsection (3) of the said section 21.

(3) In the application of these Regulations to Scotland—

(a) any reference to the principal Act or to any provision of that Act or of the Act of 1964 shall be construed as a reference to the principal Act or to that provision in the form in which it is extended to Scotland by virtue of section 25 or section 26 of the Act of 1964 as the case may be;

(b) in Regulation 5(d), the words "note or memorandum of a" and the words "paragraph (a) or paragraph (b) of", where those words second occur, shall be omitted.

(4) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(5) These Regulations may be cited as the Hire-Purchase (Documents) (Legibility and Statutory Statements) Regulations 1964, and shall come into operation on 1st January 1965.

*Drumalbyn,*  
Minister of State,  
Board of Trade

24th September 1964.

**SCHEDULE****PART I**

*Specified words to be included in outlined space for signature*

**1. Where the document contains the terms of a hire-purchase agreement:**

This document contains the terms of a hire-purchase agreement. Sign it only if you want to be legally bound by them.

Signature  
of hirer

The goods will not become your property until you have made all the payments. You must not sell them before then.

**2. Where the document contains the terms of a conditional sale agreement:**

This document contains the terms of a conditional sale agreement. Sign it only if you want to be legally bound by them.

Signature  
of buyer

The goods will not become your property until you have paid.....instalments. You must not sell them before then.

**3. Where the document contains the terms of a credit-sale agreement:**

This document contains the terms of a credit-sale agreement. Sign it only if you want to be legally bound by them.

Signature  
of buyer

**PART II**  
**Statutory Statements—Right of Cancellation**

**Section 1**

*Statement to be included in the first statutory copy*

**NOTICE TO CUSTOMER : RIGHT OF CANCELLATION**

You have for a short time a legal right to cancel this agreement. You can do this by writing, saying that you are cancelling the agreement, to.....

.....  
If you do cancel this agreement, any money you have already paid must be returned to you. If you have given any property in part-exchange, the property—or its value—must also be returned to you. If you have got the goods, you need take no action to return them but can wait for them to be collected. You need not hand them over unless you have received a written request to do so and have had your money and property back. If you wish, however, you may yourself take or send the goods to the person named above.

**Section 2**

*Statement to be included in the second statutory copy*

**NOTICE TO CUSTOMER : RIGHT OF CANCELLATION**

You have for a short time a legal right to cancel this agreement. You can do this by writing, saying that you are cancelling the agreement, to.....

You must post your letter before the end of the third day after the day on which you receive this copy of the agreement.

If you do cancel this agreement, any money you have already paid must be returned to you. If you have given any property in part-exchange, the property—or its value—must also be returned to you. If you have got the goods, you need take no action to return them but can wait for them to be collected. You need not hand them over unless you have received a written request to do so and have had your money and property back. If you wish, however, you may yourself take or send the goods to the person named above.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, which are made under the Hire-Purchase Acts 1938 to 1964 and the Hire-Purchase (Scotland) Acts 1938 to 1964, prescribe

- (a) requirements for securing that hire-purchase, credit-sale and conditional sale agreements are easily legible ; and
- (b) requirements relating to the space for the signature of the hirer or buyer ; and
- (c) requirements relating to the statements of the right of the hirer or buyer to cancel the agreement which must be contained in the statutory copies of an agreement signed by the hirer or buyer at a place other than trade premises.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1571

**CARIBBEAN AND NORTH ATLANTIC  
TERRITORIES**
**The British Guiana (Date of Elections) Order 1964**

*Made* - - - - 25th September 1964

*Coming into Operation* 25th September 1964

At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b) (hereinafter called "the principal Order"), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order may be cited as the British Guiana (Date of Elections) Order 1964 and shall be construed as one with the principal Order. Citation and construction.

2. Notwithstanding anything contained in the British Guiana (Constitution) Order 1964(c), the first election of members of the House of Assembly shall be held on 7th December 1964. First elections to House of Assembly.

*W. G. Agnew.*

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order appoints a date for the first election of members of the House of Assembly of British Guiana.

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(a) 18 & 19 Geo. 5. c. 5.

(b) S.I. 1961/1188 (1961 II, p. 2152).

(c) S.I. 1964/921 (1964 II, p. 2050).

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S T A T U T O R Y   I N S T R U M E N T S

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**1964 No. 1572**

**PACIFIC ISLANDS**

**The British Solomon Islands Order 1964**

*Made - - - - 25th September 1964*

*\* To be laid before Parliament*

*Coming into Operation*

*Section 31 - - 4th November 1964*

*Remainder - - 1st February 1965*

**ARRANGEMENT OF ORDER**

**PART I**

**INTRODUCTORY**

*Section*

1. Citation and commencement.
2. Interpretation.
3. Revocation.

**PART II**

**THE HIGH COMMISSIONER**

4. High Commissioner's powers and duties.
5. High Commissioner's powers of pardon, etc.
6. High Commissioner's powers as respects offices.
7. Public officers.

**PART III**

**EXECUTIVE COUNCIL**

8. Executive Council.
9. High Commissioner to consult Executive Council.
10. High Commissioner may act against advice of Executive Council.
11. Vacation of seats of official and unofficial members of Executive Council.
12. Temporary members of Executive Council.
13. Determination of questions as to membership.
14. Oath or affirmation by members of Executive Council.
15. Summoning of Executive Council.
16. Presiding in Executive Council.
17. Proceedings in Executive Council.
18. High Commissioner to submit questions.

**PART IV**

**LEGISLATIVE COUNCIL**

19. Legislative Council.
20. Ex-officio members.

**Section**

21. Official members.
22. Elected members.
23. Nominated members.
24. Qualifications for elected and nominated membership.
25. Disqualifications for elected and nominated membership.
26. Vacation of seats of official, elected and nominated members.
27. Vacation of seat on sentence, etc.
28. Temporary members of Legislative Council.
29. Determination of questions as to membership.
30. Persons not to be treated as holding public offices.
31. Law as to elections.

**PART V****LEGISLATION AND PROCEDURE OF LEGISLATURE**

32. Power of High Commissioner to make laws.
33. Power of High Commissioner and Legislative Council to make laws.
34. Royal Instructions.
35. Standing Orders.
36. Privileges of Legislative Council and its members.
37. Oath or affirmation of allegiance.
38. Presiding in Legislative Council.
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40. Voting.
41. Introduction of Bills, etc.
42. Assent to Bills.
43. Publication and commencement of laws.
44. Disallowance of laws.
45. Sessions.
46. Prorogation and dissolution.
47. General elections.

**PART VI****MISCELLANEOUS AND TRANSITIONAL PROVISIONS**

48. Executive Council.
49. Existing officers.
50. Concurrent appointments, reappointment and re-election.
51. Existing laws.
52. Power reserved to Her Majesty.

**SCHEDULE****FORMS OF OATHS AND AFFIRMATIONS**



At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

## PART I

### INTRODUCTORY

**Citation and commencement.** 1.—(1) This Order may be cited as the British Solomon Islands Order 1964.

(2) This Order shall be published in the Gazette and, except for section 31, shall come into operation on such day (in this Order referred to as “the appointed day”) as the High Commissioner, in his discretion, by proclamation published in the Gazette shall appoint, which day shall not be earlier than the day when this Order is so published or than 4th November 1964; and section 31 shall come into operation on 4th November 1964.

**Interpretation.**

2.—(1) In this Order, unless the context otherwise requires—

“Chief Secretary” means the Chief Secretary to the Western Pacific High Commission;

“Financial Secretary” means the Financial Secretary to the Western Pacific High Commission;

“Gazette” means the Western Pacific High Commission Gazette;

“High Commissioner” means Her Majesty's High Commissioner for the Western Pacific;

“meeting” means any sitting or sittings of the Legislative Council commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die*, or at the conclusion of a session;

“the Protectorate” means the British Solomon Islands Protectorate;

“public office” means an office of emolument in the public service;

“public officer” means the holder of a public office or a person appointed to act in a public office;

“the public seal” means the official seal of the High Commissioner;

“the public service” means the service of the Crown in a civil capacity in respect of the government of the Protectorate;

“session” means the sittings of the Legislative Council commencing when the Council first meets after being constituted under this Order, or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued;

“sitting” means a period during which the Legislative Council is sitting continuously without adjournment, and includes any period during which the Council is in committee.

(2) In this Order, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorized to perform the functions of that office.

(3) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

3. The British Solomon Islands (Constitution) Order in Council Revocation, 1960(b) is revoked.

## PART II

### THE HIGH COMMISSIONER

4. The High Commissioner shall have such powers and duties as are conferred or imposed upon him by or under this Order or any other law for the time being in force in the Protectorate, and such other powers and duties as Her Majesty may from time to time be pleased to assign to him, and, subject to the provisions of this Order and of any other law by which any such powers or duties are conferred or imposed, shall do and execute all things that belong to his office (including the exercise of any powers with respect to which he is empowered by this Order to act in his discretion) according to such instructions, if any, as Her Majesty may from time to time see fit to give him; but the question whether he has in any matter complied with such instructions shall not be enquired into by any court.

High Commissioner's powers and duties.

5. Subject to the provisions of any Instructions given under Her Majesty's Sign Manual and Signet, the High Commissioner, in his discretion, may, in Her Majesty's name and on Her Majesty's behalf,—

High Commissioner's powers of pardon, etc.

(a) grant to any person concerned in the commission of any offence for which he may be tried by any court established for the Protectorate or to any person convicted of any offence in any court established for the Protectorate a pardon, either free or subject to lawful conditions;

(b) grant to any person a respite, either indefinite or for a specified period, of the execution of any sentence passed on that person by any court established for the Protectorate;

(c) substitute a less severe form of punishment for that imposed by any sentence of any such court; or

(d) remit the whole or any part of any such sentence or of any penalty or forfeiture otherwise due to Her Majesty on account of any offence in respect of which a person has been convicted by any court established for the Protectorate.

6.—(1) Subject to the provisions of this Order and of any other law for the time being in force in the Protectorate, the High Commissioner, in his discretion, shall have power, in Her Majesty's name and on Her Majesty's behalf,—

High Commissioner's powers as respects offices.

(a) to constitute such offices as may lawfully be constituted by Her Majesty and abolish any office so constituted by him;

(b) to make appointments (including appointments on promotion and transfer) to any office so constituted by him ; and

(c) to terminate the appointment of or dismiss any person so appointed, or suspend him from performing the functions of his office, or take such other disciplinary action with respect to him as may be necessary.

(2) A person appointed to an office constituted under this section shall, unless it is otherwise provided by law, hold office during Her Majesty's pleasure.

(3) Any office constituted for the Protectorate by the High Commissioner under section 5(1) of the British Solomon Islands (Constitution) Order in Council 1960<sup>(a)</sup> and subsisting immediately before the appointed day shall, for the purposes of this Order, be deemed to be an office constituted by the High Commissioner under this section.

**Public officers.** 7.—(1) Subject to the provisions of this Order, power to appoint to public offices, and to promote, transfer, terminate the appointment of, dismiss, and exercise disciplinary control over, public officers, shall vest in the High Commissioner, in his discretion.

(2) The High Commissioner, in his discretion, may delegate to any public officer, in such manner and on such conditions as he may think fit, any of the powers conferred upon him by this section.

(3) If any law or other instrument in force in the Protectorate immediately before the appointed day confers upon any public officer any power to appoint, promote, transfer, terminate the appointment of, dismiss, or exercise disciplinary control over, other public officers, that power shall be deemed to have been delegated to that officer by the High Commissioner under this section, and shall be exercisable by that officer until it is revoked by the High Commissioner or until the provision conferring it has been repealed or revoked.

### PART III

#### EXECUTIVE COUNCIL

**Executive Council.** 8.—(1) There shall be an Executive Council for the Protectorate.

(2) Subject to the provisions of this Order, the Executive Council shall consist of—

(a) three ex-officio members, that is to say, the Chief Secretary, the Attorney-General and the Financial Secretary ;

(b) such official members, being persons who are public officers, as the High Commissioner, in his discretion, shall from time to time appoint by instrument under the public seal ; and

(c) such unofficial members, being persons who are qualified for election as elected members or for appointment as nominated members of the Legislative Council, as the High Commissioner, in his discretion, shall from time to time appoint by instrument under the public seal.

(3) The High Commissioner shall, without delay, report to Her Majesty through a Secretary of State every appointment made under this section.

(a) S.I. 1960/1367 (1960 II, p. 2652).

**9.—(1)** Subject to the provisions of this section, the High Commissioner shall consult the Executive Council in the exercise of all powers conferred upon him by this Order or by any other law for the time being in force in the Protectorate, except—

High Commissioner to consult Executive Council.

- (a) any power conferred upon him by this Order which he is empowered to exercise in his discretion ; or
- (b) any power conferred upon him by any other law which he is empowered, either expressly or by implication, to exercise without consulting the Council.

**(2)** The High Commissioner shall not be required to consult the Executive Council in any case in which, in his judgment,—

- (a) the service of Her Majesty would sustain material prejudice thereby ;
- (b) the matters to be decided are too unimportant to require such consultation ; or
- (c) the urgency of the matter requires him to act before the Council can be consulted.

**(3)** In every case falling within paragraph (c) of the last foregoing subsection the High Commissioner shall, as soon as practicable, communicate to the Executive Council the measures which he has adopted and the reasons for those measures.

**10.—(1)** In any case in which the High Commissioner is required by the last foregoing section to consult the Executive Council he may, if he thinks it right to do so, act against the advice given to him by the Council ; but if he so acts he shall at the first convenient opportunity report the matter to a Secretary of State with the reasons for his action.

High Commissioner may act against advice of Executive Council.

**(2)** Whenever the High Commissioner acts against the advice of the Executive Council any member of the Council may require that there shall be recorded in the minutes any advice or opinion he may give upon the question at issue and his reasons.

**11.—(1)** Official members and unofficial members of the Executive Council shall hold their seats in the Council during Her Majesty's pleasure.

Vacation of seats of official and unofficial members of Executive Council.

**(2)** An official member or an unofficial member of the Executive Council shall vacate his seat—

- (a) at such time or in such circumstances as may be specified in the instrument by which he is appointed ;
- (b) if he resigns his seat by writing under his hand addressed to the High Commissioner and, in the case of an official member, the High Commissioner, in his discretion, accepts his resignation ;
- (c) if he is absent from the Protectorate for a period of more than two weeks without written permission given by the High Commissioner, in his discretion ;
- (d) when, after any dissolution of the Legislative Council, he is informed by the High Commissioner that the High Commissioner is about to reappoint him as a member of the Executive Council or to appoint another person in his place ;
- (e) in the case of an official member, if he ceases to hold a public office ; or

(f) in the case of an unofficial member, if he ceases to be qualified for election as an elected member or for appointment as a nominated member of the Legislative Council.

Temporary members of Executive Council.

**12.—**(1) Whenever an official member or an unofficial member of the Executive Council is unable, because he is ill, or absent from the Protectorate, or for any other reason, to perform his functions as a member of the Council, the High Commissioner, in his discretion, may, by instrument under the public seal, appoint to be temporarily a member of the Council—

(a) in place of an official member, a person who is a public officer ;

(b) in place of an unofficial member, a person who is qualified for election as an elected member or for appointment as a nominated member of the Legislative Council.

(2) The High Commissioner shall, without delay, report to Her Majesty through a Secretary of State every appointment made under this section.

(3) A person appointed under this section to be temporarily a member of the Executive Council shall vacate his seat if the High Commissioner, in his discretion, revokes his appointment, or when he is informed by the High Commissioner that the member in whose place he was appointed is again able to perform his functions as a member of the Council, or when the seat of that member becomes vacant.

(4) Subject to the provisions of this section, the provisions of this Order shall apply in relation to a person appointed to be temporarily a member of the Executive Council as they apply in relation to the member in whose place he was appointed.

Determination of questions as to membership.

**13.** Any question whether a person is a member of the Executive Council shall be determined by the High Commissioner, in his discretion.

Oath or affirmation by members of Executive Council.

**14.** Before assuming the functions of his office a member of the Executive Council shall make before the High Commissioner, or some person authorized in that behalf by the High Commissioner, an oath or affirmation for the due execution of his office in the form set out in the Schedule to this Order together with any other oath or affirmation that may be prescribed by any law for the time being in force in the Protectorate.

Summoning of Executive Council.

**15.** The Executive Council shall not be summoned except by the authority of the High Commissioner, in his discretion.

Presiding in Executive Council.

**16.—**(1) The High Commissioner shall, so far as is practicable, attend and preside at all meetings of the Executive Council.

(2) In the absence of the High Commissioner there shall preside at any meeting of the Executive Council—

(a) such member of the Council as the High Commissioner, in his discretion, may either generally or specially appoint ; or

(b) in the absence of that member, or if no member be so appointed, the senior ex-officio member of the Council ; and for this purpose the Chief Secretary, the Attorney-General and the Financial Secretary shall rank in that order.

17.—(1) No business except that of adjournment shall be transacted in the Executive Council if objection is taken by any member present that there are less than three members present besides the High Commissioner or the member presiding. Proceedings  
in Executive  
Council.

(2) Subject to the provisions of the last foregoing subsection, the Executive Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council, and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

(3) The High Commissioner or the member presiding, when in his opinion the business before the Executive Council makes it desirable, may, in his discretion, summon any person to a meeting of the Council, notwithstanding that that person is not a member of the Council.

18. The High Commissioner shall alone be entitled to submit questions to the Executive Council; but if the High Commissioner declines to submit any question to the Council when requested in writing by any member of the Council to do so, that member may require that there shall be recorded in the minutes his written application, together with the High Commissioner's answer. High Com-  
missioner  
to submit  
questions.

#### PART IV

##### LEGISLATIVE COUNCIL

19.—(1) There shall be a Legislative Council for the Protectorate. Legislative  
Council.

(2) Subject to the provisions of this Order, the Legislative Council shall consist of—

- (a) the High Commissioner, who shall be President
- (b) three ex-officio members;
- (c) eight official members;
- (d) eight elected members; and
- (e) two nominated members.

20. The ex-officio members of the Legislative Council shall be the Chief Secretary, the Attorney-General and the Financial Secretary. Ex-officio  
members.

21.—(1) The official members of the Legislative Council shall be appointed by the High Commissioner, in his discretion, by instrument under the public seal, from among persons who are public officers. Official  
members.

(2) The High Commissioner shall, without delay, report to Her Majesty through a Secretary of State every appointment made under this section.

22.—(1) The elected members of the Legislative Council shall be persons qualified for election as such under the provisions of this Order, and shall be elected in the manner provided by any law for the time being in force in the Protectorate. Elected  
members.

(2) Of the elected members of the Legislative Council—

- (a) one shall be elected for the town of Honiara;
- (b) two shall be elected for the Central District, excluding the town of Honiara;

- (c) three shall be elected for the Malaita District ;
- (d) one shall be elected for the Eastern District ; and
- (e) one shall be elected for the Western District.

Nominated members.

23.—(1) The nominated members of the Legislative Council shall be persons qualified for appointment as such under the provisions of this Order, and shall be appointed by the High Commissioner, in his discretion, by instrument under the public seal.

(2) The High Commissioner shall, without delay, report to Her Majesty through a Secretary of State every appointment made under this section.

Qualifications for elected and nominated membership.

24. Subject to the provisions of the next following section, a person shall be qualified for election as an elected member or for appointment as a nominated member of the Legislative Council if, and shall not be so qualified unless,—

- (a) he is a British subject or a British protected person ;
- (b) he has attained the age of twenty-one years ;
- (c) he has resided in the Protectorate during the three years immediately before the date of his election or appointment, as the case may be, for a period of, or periods amounting in the aggregate to, not less than two years, or is domiciled in the Protectorate and is resident there at that date ; and
- (d) he can speak and read English well enough to be able to understand and take part in the proceedings of the Council.

Disqualifications for elected and nominated membership.

25.—(1) No person shall be qualified for election as an elected member or for appointment as a nominated member of the Legislative Council who—

- (a) is, by virtue of his own act, under any acknowledgment of allegiance, obedience or adherence to a foreign power or state ;
- (b) holds, or is acting in, any public office ;
- (c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth ;
- (d) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in the Protectorate ;
- (e) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is under a sentence of imprisonment (by whatever named called) for a term exceeding twelve months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court ;
- (f) is disqualified for membership of the Council or for registration as a voter or for voting at elections under any law for the time being in force in the Protectorate relating to offences connected with elections ; or
- (g) in the case of an elected member, holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election to the Council or the compilation or revision of any electoral register for that purpose.

(2) For the purpose of paragraph (e) of the last foregoing subsection two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

26.—(1) Official members and nominated members of the Legislative Council shall hold their seats in the Council during Her Majesty's pleasure.

Vacation of seats of official, elected and nominated members.

(2) An official member of the Legislative Council shall vacate his seat—

- (a) on a dissolution of the Council ;
- (b) if he ceases to hold a public office ;
- (c) if he resigns his seat by writing under his hand addressed to the High Commissioner, and the High Commissioner, in his discretion, accepts his resignation ; or
- (d) in the circumstances mentioned in the next following section.

(3) An elected member or a nominated member of the Legislative Council shall vacate his seat—

- (a) on a dissolution of the Council ;
- (b) if he resigns his seat by writing under his hand addressed to the High Commissioner ;
- (c) if, being an elected member, he accepts appointment as a nominated member, or, being a nominated member, he accepts nomination as a candidate for election to the Council ;
- (d) if he is absent from two consecutive meetings of the Council without having obtained from the High Commissioner, before the termination of either meeting, permission to be or to remain absent therefrom ;
- (e) if any circumstance arises that, if he were not a member of the Council, would cause him to be disqualified for election or appointment thereto by virtue of paragraph (a), (b), (c), (d), (f) or (g) of subsection (1) of the last foregoing section ; or
- (f) in the circumstances mentioned in the next following section.

27.—(1) Subject to the provisions of this section, if an official member, an elected member or a nominated member of the Legislative Council is sentenced by a court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding twelve months, he shall forthwith cease to perform his functions as a member of the Council, and his seat in the Council shall become vacant at the expiration of a period of thirty days thereafter:

Vacation of seat on sentence, etc.

Provided that the High Commissioner may, at the request of the member, from time to time extend that period for thirty days to enable the member to pursue any appeal in respect of his conviction or sentence so however that extensions of time exceeding in the aggregate three hundred and thirty days shall not be given without the approval of the Council signified by resolution.

(2) If at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than twelve months or a punishment other than imprisonment is substituted, his seat in the Legislative Council shall not become vacant under the provisions of this section, and he may again perform his functions as a member of the Council.



(3) For the purpose of this section two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

Temporary members of Legislative Council.

**28.**—(1) Whenever an official member or a nominated member of the Legislative Council is unable, because he is ill, or absent from the Protectorate, or for any other reason, to perform his functions as a member of the Council, the High Commissioner, in his discretion, may, by instrument under the public seal, appoint to be temporarily a member of the Council—

- (a) in place of an official member, a person who is a public officer ;
- (b) in place of a nominated member, a person who is qualified for appointment as a nominated member.

(2) The High Commissioner shall, without delay, report to Her Majesty through a Secretary of State every appointment made under this section.

(3) A person appointed under this section to be temporarily a member of the Legislative Council shall vacate his seat if the High Commissioner, in his discretion, revokes his appointment, or when he is informed by the High Commissioner that the member in whose place he was appointed is again able to perform his functions as a member of the Council, or when the seat of that member becomes vacant.

(4) Subject to the provisions of this section, the provisions of this Order shall apply in relation to a person appointed to be temporarily a member of the Legislative Council as they apply in relation to the member in whose place he was appointed.

Determination of questions as to membership.

**29.**—(1) Any question whether—

- (a) a person has been validly elected an elected member of the Legislative Council ; or
- (b) an elected member of the Council has vacated his seat therein or is required under section 27 of this Order to cease to perform his functions as a member,

shall be determined in accordance with any law for the time being in force in the Protectorate.

(2) Any question whether—

- (a) a person has been validly appointed an official member or a nominated member of the Legislative Council ; or
- (b) an official member or a nominated member of the Council has vacated his seat therein or is required under section 27 of this Order to cease to perform his functions as a member,

shall be determined by the High Commissioner, in his discretion.

Persons not to be treated as holding public offices.

**30.**—(1) For the purposes of Part III and of this Part of this Order a person shall not be treated as holding, or acting in, a public office by reason only that he—

- (a) is on leave of absence pending relinquishment of a public office, or is on leave of absence without salary from a public office ;
- (b) is receiving a pension or other like allowance from the Crown ;
- (c) is receiving any remuneration or allowance as a member of the Executive Council or of the Legislative Council ;

- (d) is a retired or reserve member of Her Majesty's forces or a special constable ;
- (e) is a headman, or an assistant headman, or a member of a town council or other local government council established under any law for the time being in force in the Protectorate ; or
- (f) is the holder of an office in the service or appointment of the Crown, or is performing any functions on behalf of the Crown, if the only payments he receives in respect of that office or those functions are by way of travelling or subsistence allowances or a refund of out-of-pocket expenses.

(2) A provision in any law for the time being in force in the Protectorate that a person shall not be treated as holding, or acting in, a public office for all or any of the purposes of Part III and of this Part of this Order shall have effect as if it were included in this Order.

31.—(1) Subject to the provisions of this Order, a law made under section 33 of this Order may provide for the election of the elected members of the Legislative Council, and in particular, and without prejudice to the generality of the foregoing power, may provide for—

Law as to elections.

- (a) the qualifications and disqualifications of voters ;
- (b) the registration of voters ;
- (c) the nomination of candidates for election (including the number of persons required to support nominations) ;
- (d) the ascertainment of the qualifications of voters and of candidates for election ;
- (e) the division of the Protectorate into constituencies for the purpose of elections, and the division of such constituencies for any purpose connected with elections ;
- (f) the holding of elections ;
- (g) the establishment, composition and procedure of electoral colleges ;
- (h) the determination of any question whether any person has been validly elected an elected member of the Legislative Council or whether an elected member of the Legislative Council has vacated his seat therein ; and
- (i) the definition and trial of offences connected with elections and the imposition of penalties therefor, including disqualification for membership of the Legislative Council, or for registration as a voter, or for voting at elections, of any person concerned in any such offence.

(2) Subject to the provisions of this Order, at any time after 4th November 1964 and before the first sitting of the Legislative Council the High Commissioner, in his discretion, may by regulation make such provision as appears to him to be necessary or expedient with respect to any matter referred to in the last foregoing subsection ; and constituencies may be established, registration of voters may take place, and all other things necessary or expedient to prepare for the holding of elections may be done in pursuance of such regulations at any time after 4th November 1964 notwithstanding that the other provisions of this Order have not yet come into operation ; but no election shall be held before the appointed day.

(3) Regulations made under the last foregoing subsection may be amended or revoked—

(a) before the first sitting of the Legislative Council, by regulations made by the High Commissioner, in his discretion ; and

(b) thereafter, by regulations made by the High Commissioner, or by a law made under section 33 of this Order.

(4) Regulations made under this section—

(a) may be given retrospective effect to a day not earlier than 4th November 1964 ;

(b) shall be published by exhibition at the Public Office of the High Commissioner ; and

(c) shall be printed in the Gazette as soon as may be after the date of such publication.

## PART V

### LEGISLATION AND PROCEDURE OF LEGISLATURE

Power of High Commissioner to make laws.

**32.** Subject to the provisions of this Order, the High Commissioner may make laws for the peace, order and good government of the Protectorate.

Power of High Commissioner and Legislative Council to make laws.

**33.** Subject to the provisions of this Order, the High Commissioner with the advice and consent of the Legislative Council, may make laws for the peace, order and good government of the Protectorate.

Royal Instructions.

**34.** Subject to the provisions of this Order, the High Commissioner and the Legislative Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions given under Her Majesty's Sign Manual and Signet which may from time to time be addressed to the High Commissioner in that behalf.

Standing Orders.

**35.**—(1) Subject to the provisions of this Order and of any Instructions given under Her Majesty's Sign Manual and Signet, the Legislative Council may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business, and for the passing, intituling and numbering of Bills and for the presentation thereof to the High Commissioner for assent : but no such Standing Orders or amendment or revocation thereof shall have effect until they have been approved by the High Commissioner

(2) Until other provision is made under this section, the Standing Orders of the Legislative Council shall be the Standing Orders of the Legislative Council established by the British Solomon Islands (Constitution) Order in Council 1960(a) which were in force immediately before the appointed day, and those Standing Orders shall be read and construed with such adaptations and modifications, if any, as may be necessary for the purposes of this Order, and may be amended or revoked by the Council under this section :

Provided that the High Commissioner, in his discretion, may at any time after the appointed day and before the first sitting of the Council amend those Standing Orders to conform with the provisions of this Order.

(a) S.I. 1960/1367 (1960 II, p. 2652).

**36.** A law made under section 33 of this Order may determine and regulate the privileges, immunities and powers of the Legislative Council and its members, but no such privileges, immunities or powers shall exceed those of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of its members.

Privileges of  
Legislative  
Council and  
its members.

**37.** No member of the Legislative Council shall be permitted to take part in the proceedings of the Council (other than proceedings necessary for the purpose of this section) until he has made before the Council an oath or affirmation of allegiance in the form set out in the Schedule to this Order.

Oath or  
affirmation  
of allegiance.

**38.—(1)** The High Commissioner shall, so far as is practicable, attend and preside at all meetings of the Legislative Council.

Presiding in  
Legislative  
Council.

(2) In the absence of the High Commissioner there shall preside at any meeting of the Legislative Council—

(a) such member of the Council as the High Commissioner, in his discretion, may either generally or specially appoint; or

(b) in the absence of that member, or if no member be so appointed, the senior ex-officio member of the Council; and for this purpose the Chief Secretary, the Attorney-General and the Financial Secretary shall rank in that order.

**39.—(1)** No business except that of adjournment shall be transacted in the Legislative Council if objection is taken by any member present that there are less than nine members present besides the High Commissioner or other member presiding.

Proceedings  
in Legislative  
Council.

(2) Subject to the provisions of the last foregoing subsection, the Legislative Council shall not be disqualified for the transaction of business by reason of any vacancy in the membership of the Council, and any proceedings in the Council shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings.

**40.—(1)** All questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the members present and voting.

Voting.

(2) If upon any question before the Legislative Council the votes are equally divided, the High Commissioner or other member presiding shall have a casting vote in addition to his original vote.

(3) The High Commissioner shall exercise his power to vote according to his discretion.

**41.—(1)** Subject to the provisions of this Order and to the Standing Orders of the Legislative Council, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the Bill, motion or petition shall be debated and disposed of according to the Standing Orders of the Council.

Introduction  
of Bills, etc.

(2) Except on the recommendation of the High Commissioner, in his discretion, the Legislative Council shall not—

(a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the Council,—

(i) makes provision for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other

funds of the Protectorate, or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Protectorate ; or

(ii) effects any alteration in the salary, allowances or conditions of service (including leave, passages and promotion) of any public officer or in the law, regulations or practice governing the payment of pensions, gratuities or other like benefits to any public officer or former public officer or his widow, children, dependants or personal representatives ;

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the Council, is that provision should be made for any of the purposes aforesaid ; or

(c) receive any petition which, in the opinion of the person presiding in the Council, requests that provision be made for any of the purposes aforesaid.

Assent to Bills.

**42.**—(1) A Bill passed by the Legislative Council shall not become a law until either—

(a) the High Commissioner has assented to it in Her Majesty's name and on Her Majesty's behalf and has signed it in token of his assent ; or

(b) Her Majesty has given Her assent to it through a Secretary of State, and the High Commissioner has signified Her assent by proclamation published together with the law by exhibition at the Public Office of the High Commissioner.

(2) When a Bill is presented to the High Commissioner for his assent, he shall, in his discretion, but subject to the provisions of this Order and of any Instructions given under Her Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents, or refuses to assent, to it, or that he reserves the Bill for the signification of Her Majesty's pleasure :

Provided that the High Commissioner shall reserve for the signification of Her Majesty's pleasure any Bill which determines or regulates the privileges, immunities or powers of the Legislative Council or of its members unless he has been authorized by a Secretary of State to assent to it.

Publication and commencement of laws.

**43.** A law made under section 32 or section 33 of this Order—

(a) shall be published by exhibition at the Public Office of the High Commissioner ;

(b) shall be printed in the Gazette as soon as may be after the date of such publication ; and

(c) shall come into operation on the date of such publication or, if it is enacted either in the law or in some other law, that it shall come into operation on some other date, on that date.

Disallowance of laws.

**44.**—(1) Any law made by the High Commissioner under section 32 or assented to by him under section 42 of this Order may be disallowed by Her Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by Her Majesty the High Commissioner shall cause notice of the disallowance to be published by exhibition at the Public Office of the High Commissioner and to be printed in the Gazette as soon as may be after the date of such publication.

(3) A law disallowed by Her Majesty shall be annulled with effect from the date of publication of notice of the disallowance.

(4) Section 38(2) of the Interpretation Act 1889(a) shall apply to the annulment of any law under this section as it applies to the repeal of an Act of Parliament, save that any enactment amended or repealed by or in pursuance of that law shall have effect as from the date of the annulment as if that law had not been made.

45. The sessions of the Legislative Council shall be held at such place and begin at such time as the High Commissioner may from time to time appoint by proclamation published by exhibition at the Public Office of the High Commissioner, and the proclamation shall be printed in the Gazette as soon as may be after the date of such publication; but a period of twelve months shall not elapse between the date when the Council last sat in one session and the date appointed for its first sitting in the next session. Sessions.

46.—(1) The High Commissioner, in his discretion, may at any time prorogue or dissolve the Legislative Council by proclamation published by exhibition at the Public Office of the High Commissioner, and the proclamation shall be printed in the Gazette as soon as may be after the date of such publication. Prorogation and dissolution.

(2) The High Commissioner shall dissolve the Legislative Council at the expiration of two years from the date when the Council first meets after any general election if it is not sooner dissolved.

(3) The Legislative Council established by the British Solomon Islands (Constitution) Order in Council 1960(b) shall be deemed to have been dissolved on the appointed day.

47. There shall be a general election at such time within six months after the appointed day, and thereafter within three months after every dissolution of the Legislative Council, as the High Commissioner shall appoint by proclamation published by exhibition at the Public Office of the High Commissioner, and the proclamation shall be printed in the Gazette as soon as may be after the date of such publication. General elections.

## PART VI

### MISCELLANEOUS AND TRANSITIONAL PROVISIONS

48. Notwithstanding the revocation by this Order of the British Solomon Islands (Constitution) Order in Council 1960(b), the Executive Council established by that Order— Executive Council.

(a) shall continue on and after the appointed day to exist as if the provisions of Part III of that Order (other than sections 15 and 16) were still in force, until such time as the High Commissioner shall appoint by proclamation published by exhibition at the Public Office of the High Commissioner; and

(b) shall, until that time, perform its functions and be consulted by the High Commissioner in accordance with the provisions of this Order and of any Instructions given under Her Majesty's Sign Manual and Signet.

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1960/1367 (1960 II, p. 2652).

**Existing officers.** **49.**—(1) Subject to the provisions of this Order, any person who, immediately before the appointed day, holds or is acting in any office constituted for the Protectorate under section 5(1) of the British Solomon Islands (Constitution) Order in Council 1960(a), or any public office otherwise constituted, shall, on and after that day, continue to hold or to act in his office as if he had been appointed to it in accordance with the provisions of this Order.

(2) Any person to whom the last foregoing subsection applies who, before the appointed day, has made any oath or affirmation required to be made by him before assuming the functions of his office shall not, by reason only of that subsection, be required to make a like oath or affirmation.

**Concurrent appointments, reappointment and re-election.** **50.**—(1) Whenever the holder of any office constituted for the Protectorate under this Order, or any public office otherwise constituted, is on leave of absence pending relinquishment of his office—

- (a) another person may be appointed to that office ; and
- (b) that person shall, for the purpose of any function of that office, be deemed to be the sole holder of that office.

(2) Any person who has vacated his seat in the Executive Council or in the Legislative Council, or has vacated any other office constituted for the Protectorate under this Order, may, if qualified, be reappointed or re-elected, as the case may require, from time to time.

**Existing laws.** **51.**—(1) The continued operation of the laws in force in the Protectorate immediately before the appointed day shall not be affected by reason only of the revocation of the British Solomon Islands (Constitution) Order in Council 1960(a), and those laws shall, subject to amendment, repeal or revocation by any authority having power to amend, repeal or revoke them, continue in force as from that day ; but, for the avoidance of doubt, it is hereby declared that the provisions of those laws shall have effect on and after that day only to such extent as they are consistent with the provisions of this Order.

(2)(a) The High Commissioner, in his discretion, may, by order published in the Gazette, at any time within twelve months after the appointed day, provide that an existing law shall be read and construed with such adaptations and modifications as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect, or enabling effect to be given, to those provisions ; and any existing law shall have effect accordingly from such date as may be specified in the order.

(b) In this subsection “an existing law” means a law made by any legislature in the Protectorate, or an instrument made in exercise of a power conferred by a law so made, that is in force in the Protectorate immediately before the appointed day.

(3) An order made under this section—

- (a) may be given retrospective effect to a day not earlier than the appointed day ; and
- (b) may be amended, revoked or replaced by a further order so made or, in relation to any law or instrument affected thereby, by any authority having power to amend, repeal or revoke that law or instrument.

(a) S.I. 1960/1367 (1960 II, p. 2652).

(4) All laws which, by virtue of section 43 of the British Solomon Islands (Constitution) Order in Council 1960(a), are styled "Ordinances", and which remain in force on and after the appointed day, shall continue to be so styled.

52. Nothing in this Order shall affect the power of Her Majesty in Council to make laws from time to time for the peace, order and good government of the Protectorate. Power reserved to Her Majesty.

*W. G. Agnew.*

## SCHEDULE

Sections 14 and 37

### FORMS OF OATHS AND AFFIRMATIONS

#### 1. *Oath of Allegiance*

I ..... do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

#### 2. *Affirmation of Allegiance*

I ..... do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

#### 3. *Oath for due execution of office*

I ..... do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (*here insert the description of the office*). So help me God.

#### 4. *Affirmation for due execution of office*

I ..... do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, in the office of (*here insert the description of the office*).

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order revokes the British Solomon Islands (Constitution) Order in Council 1960 (S.I. 1960 No. 1367), and makes new provision for the British Solomon Islands Protectorate with respect to the Executive Council and the Legislative Council. In particular it provides for eight elected members of the Legislative Council. It also contains miscellaneous and transitional provisions.

(a) S.I. 1960/1367 (1960 II, p. 2652).



1964 No. 1573

**DANGEROUS DRUGS****The Dangerous Drugs Act 1964 (Appointed Day)  
Order 1964***Made - - - - 25th September 1964*

At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred upon Her by sections 1(4), (5), (6) and (7) and 3(1) of the Dangerous Drugs Act 1964(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The day appointed for the purposes of the Dangerous Drugs Act 1964 shall be 1st December 1964.
2. This Order may be cited as the Dangerous Drugs Act 1964 (Appointed Day) Order 1964.

*W. G. Agnew.***EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

Before the passing of the Dangerous Drugs Act 1964 certain drugs and preparations of drugs which fall within Part III of the Dangerous Drugs Act 1951 as amended by the Act of 1964 were either exempted from the operation of Part III or were subject thereto with modifications. Under sections 1(4), (5) and (6) of the Act of 1964 these exemptions and modifications are preserved, but only until such day as may be appointed by Order in Council. Section 1(7), which relates to enforcement and offences, makes consequential provision operative until that appointed day. Under section 3(1) of the Act of 1964, section 11 of the Act of 1951, which prohibits the trade in certain drugs, is repealed from the same day. This Order appoints 1st December 1964 for the above-mentioned purposes.

(a) 1964 c. 36.

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 STATUTORY INSTRUMENTS
 

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**1964 No. 1574**  
**PLANT VARIETIES**  
**SEEDS**

**The Plant Varieties and Seeds (Northern Ireland) Order 1964**

*Made* . . . . . 25th September 1964

*Coming into Operation* . . . . . 1st October 1964

At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 39(2) of the Plant Varieties and Seeds Act 1964(a) Her Majesty may by Order in Council made in pursuance of resolutions passed by the two Houses of the Parliament of Northern Ireland direct that the provisions of Part I of that Act and such of the provisions of Parts II and IV thereof as may be specified in the Order shall (whether as originally enacted or as they have effect by virtue of an Order in Council under section 40 of that Act) extend to Northern Ireland:

And whereas a resolution praying that Part I and the other provisions of the said Act hereinafter specified may be so extended has been passed by both Houses of the said Parliament:

Now, therefore, Her Majesty, in pursuance of section 39(2) of the said Act, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. Part I of the Plant Varieties and Seeds Act 1964 (together with Schedules 1 to 4, except paragraphs 3 and 9(4) of the last-mentioned Schedule) and the provisions of Parts II and IV of that Act specified in the Schedule to this Order shall extend to Northern Ireland.

2. This Order may be cited as the Plant Varieties and Seeds (Northern Ireland) Order 1964 and shall come into operation on 1st October 1964.

*W. G. Agnew.*

SCHEDULE

**PROVISIONS OF PARTS II AND IV OF THE PLANT VARIETIES AND SEEDS ACT 1964  
 EXTENDED TO NORTHERN IRELAND**

Section 20 (together with Schedule 5);

Sections 21 to 23;

Sections 25 to 27, so far as they relate to sections 20 to 23;

Section 29;

Section 30, so far as it relates to sections 20 to 23;

Part IV (other than section 40).

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(a) 1964 c. 14.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order extends to Northern Ireland certain provisions of the Plant Varieties and Seeds Act 1964, namely Part I which concerns plant breeders rights, sections 20 to 23 which concern the Index of names of plant varieties and certain sections supplemental to those sections, section 29 which relates to seed potatoes and so much of Part IV (General) as is relevant to that extension.

1964 No. 1575

**MERCHANT SHIPPING****SAFETY****The Merchant Shipping (Safety Convention Countries)  
(Various) (No. 2) Order 1964***Made - - - - 25th September 1964**\* To be laid before Parliament**Coming into Operation 6th November 1964*

At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 31 of the Merchant Shipping (Safety Convention) Act 1949(a) it is enacted that Her Majesty, if satisfied that the government of any country has accepted the Safety Convention, may by Order in Council make a declaration to that effect:

And whereas Her Majesty is satisfied that the governments of the countries specified in the Schedule to this Order have accepted the Safety Convention:

Now, therefore, Her Majesty, in pursuance of the powers vested in Her by the aforesaid section and of all other powers enabling Her in that behalf, by and with the advice of Her Privy Council, is pleased to order, and doth hereby order, as follows:—

1. It is hereby declared that the governments of the countries specified in the Schedule to this Order have accepted the Safety Convention.

2. This Order may be cited as the Merchant Shipping (Safety Convention Countries) (Various) (No. 2) Order 1964, and shall come into operation upon the date of its publication in the London Gazette.

*W. G. Agnew***SCHEDULE**

The Democratic and Popular Republic of Algeria  
 The Federal Republic of Cameroon  
 The Central African Republic  
 The Republic of the Congo (Brazzaville)  
 The Republic of Dahomey  
 The Republic of Guinea  
 The Republic of the Ivory Coast  
 The Malagasy Republic  
 The Islamic Republic of Mauritania  
 The Kingdom of Morocco  
 The Republic of the Niger  
 The Republic of Senegal  
 The Somali Republic  
 The Tunisian Republic

\* This Instrument was laid before Parliament on 3rd November 1964.

(a) 12, 13 & 14 Geo. 6. c. 43.

**EXPLANATORY NOTE**

*(This note is not part of the Order, but is intended to indicate its general purport.)*

**This Order declares that the governments of the countries specified in the Schedule to the Order have accepted the International Convention for the Safety of Life at Sea 1948.**

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 STATUTORY INSTRUMENTS
 

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1964 No. 1576

**ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES****The Radioactive Substances Act 1948 Appropriate  
Minister Designation (No. 2) Order 1964***Made - - - - 25th September 1964*

At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas by section 5(2) of the Radioactive Substances Act 1948<sup>(a)</sup> it is provided that the appropriate Minister may, as respects the transport of any radioactive substances, make such regulations as appear to him to be necessary to prevent injury being caused by such transport to the health of persons engaged therein and other persons:

And whereas by section 5(6) of the said Act it is provided that the expression "the appropriate Minister" in that section means such Minister, or such Ministers acting jointly, as may be designated by Order in Council, and that different Ministers may be designated for the purposes of section 5(2) for different forms of transport or for the transport of different classes or descriptions of substances:

Now, therefore, Her Majesty, in pursuance of section 5(6) of the said Act, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Radioactive Substances Act 1948 Appropriate Minister Designation (No. 2) Order 1964.

2. The Minister of Transport shall be the appropriate Minister, for the purposes of section 5(2) of the Radioactive Substances Act 1948, as respects the transport of any radioactive substances by road in Great Britain.

*W. G. Agnew.*

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order designates the Minister of Transport as the appropriate Minister for making safety regulations under section 5(2) of the Radioactive Substances Act 1948 as respects the transport of any radioactive substance by road in Great Britain.

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(a) 11 & 12 Geo. 6. c. 37.

1964 No. 1577

**ROAD TRAFFIC**

**The Road Vehicles (Excise Duties and Licences)  
Order 1964**

*Made - - - - - 25th September 1964*

*Coming into Operation 1st October 1964*

At the Court at Buckingham Palace, the 25th day of September 1964

Present

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 5 and 21 of the Vehicles (Excise) Act 1962(a) (hereinafter referred to as "the Act"), and of all other powers enabling Her in that behalf is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Road Vehicles (Excise Duties and Licences) Order 1964, and shall come into operation on 1st October 1964.

2. The Road Vehicles (Excise Duties and Licences) Order 1953(b) and the Road Vehicles (Excise Duties and Licences) (Amendment) Order 1957(c) are hereby revoked.

3.—(1) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act this Order were an Act of Parliament and the Orders revoked by Article 2 of this Order were Acts of Parliament thereby repealed.

(2) In so far as any direction given pursuant to the Orders hereby revoked could have been given under a corresponding provision of this Order, it shall not be invalidated by the said revocation, but shall have effect as if given under the corresponding provision, and any Motor Tax Account opened in the name of the Minister in accordance with the said Orders and any sums standing to the credit of such accounts at the date of the said revocation shall be deemed for the purposes of this Order to have been opened or paid in under the corresponding provisions of this Order.

4. Every county council shall pay forthwith the duty levied under the Act, and such sums as they may recover which are payable into the Exchequer by virtue of section 21(2) of the Act, to the credit of an account opened under the title "Motor Tax Account" in the name of the Minister of Transport (hereinafter referred to as "the Minister") at the bank at which the council keeps its other accounts, and all sums standing

(a) 10 & 11 Eliz. 2. c. 13.  
(c) S.I. 1957/601 (1957 II, p. 2127).

(b) S.I. 1953/1560 (1953 I, p. 983).  
(d) 52 & 53 Vict. c. 63.

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to the credit of such account shall on the instructions of the Minister be remitted from time to time to the "Motor Tax Account" opened in the name of the Minister at the Bank of England.

5. The Minister may give such directions to county councils as he thinks necessary for securing uniformity of administration and otherwise for carrying the Act and this Order into effect.

*W. G. Agnew.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order revokes the Road Vehicles (Excise Duties and Licences) Order 1953 and the subsequent amending Order of 1957. The provisions contained in Article 4 (duty of county councils as respects duty levied under the Vehicles (Excise) Act 1962) and Article 5 (power of Minister of Transport to give directions to county councils) re-enact similar provisions contained in the 1953 Order.



1964 No. 1578

**COMPENSATION (DEFENCE)**

**The War Works Commission (Dissolution) Order 1964**

*Made* - - - - 25th September 1964

*Coming into Operation* 1st October 1964

At the Court at Buckingham Palace, the 25th day of September 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it appears to Her Majesty that the War Works Commission have dealt with all the matters which have been referred to them under the Requisitioned Land and War Works Act 1945<sup>(a)</sup> and that no further matters are likely to be referred to them thereunder:

Now, therefore, Her Majesty, in pursuance of section 3 of that Act, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The War Works Commission are hereby dissolved.
2. The Interpretation Act 1889<sup>(b)</sup> shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. This Order may be cited as the War Works Commission (Dissolution) Order 1964, and shall come into operation on 1st October 1964.

*W. G. Agnew,*

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, made under section 3 of the Requisitioned Land and War Works Act 1945, dissolves the War Works Commission.

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(a) 8 & 9 Geo. 6. c. 43.

(b) 52 & 53 Vict. c. 63.

1964 No. 1579

**REPRESENTATION OF THE PEOPLE**

**The Returning Officers' Expenses (England and Wales)  
Regulations 1964**

*Made* - - - - - 24th September 1964

*Coming into Operation* 25th September 1964

The Treasury, in pursuance of section 20(2) of the Representation of the People Act 1949(a), hereby make the following Regulations :—

1. The maximum charges to which a returning officer at a parliamentary election in England or Wales shall be entitled are

- (a) in respect of services rendered by him, the amounts specified in Part A of the Schedule to these Regulations ; and
- (b) in respect of expenses incurred by him, the amounts specified in Part B of the said Schedule.

2. These Regulations shall have effect in relation to all parliamentary elections begun after the 24th September 1964 and for the purposes of this and the next following regulation a parliamentary election shall be deemed to be begun on the day on which the writ for it is issued.

3. The Returning Officers' Expenses (England and Wales) Regulations 1961(b) and the Returning Officers' Expenses (England and Wales) (Amendment) Regulations 1962(c) are hereby revoked :

Provided that nothing in this revocation shall affect any parliamentary election begun before the 25th September 1964 and the said Regulations shall be deemed to continue in force for the purposes of any parliamentary election so begun.

4.—(1) These Regulations may be cited as the Returning Officers' Expenses (England and Wales) Regulations 1964.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

5. These Regulations shall come into force on the 25th September 1964.

*John Peel,*

*Martin McLaren,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

24th September 1964.

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(a) 12, 13 & 14 Geo. 6. c. 68.  
(c) S.I. 1962/758 (1962 I, p. 754).

(b) S.I. 1961/2483 (1961 III, p. 4555).  
(d) 52 & 53 Vict. c. 63.

## SCHEDULE

## SCALE OF MAXIMUM CHARGES IN RESPECT OF SERVICES RENDERED AND EXPENSES INCURRED BY A RETURNING OFFICER FOR THE PURPOSES OF OR IN CONNECTION WITH A PARLIAMENTARY ELECTION

*Only the fees and disbursements specified hereunder shall be chargeable and in particular a returning officer shall not be entitled to charge as an expense payments which he makes from his fees (or otherwise) to a deputy acting returning officer by way of remuneration for performing functions of the returning officer.*

## PART A—FEES

	£.	s.	d.
<b>I. In a contested election:—</b>			
1. For conducting the election and generally performing all the duties which a returning officer is required to perform under any enactments relating to parliamentary elections, other than any duties for which separate fees are prescribed herein:—			
(a) For each county constituency ... ..	148	10	0
In addition, if the number of registered parliamentary electors exceeds 50,000 there shall be paid:—			
For every 1,000 electors or fraction thereof over 50,000 up to 60,000 ... ..		1	0
For every 1,000 electors or fraction thereof over 60,000 ... ..		16	6
(b) For each borough constituency ... ..	132	0	0
In addition, if the number of registered parliamentary electors exceeds 50,000 there shall be paid:—			
For every 1,000 electors or fraction thereof over 50,000 up to 60,000 ... ..		1	0
For every 1,000 electors or fraction thereof over 60,000 ... ..		16	6
Provided that the amount payable to a returning officer responsible for more than three borough constituencies shall be reduced as follows:—			
For each constituency exceeding three but not exceeding six, a reduction of ... ..	33	0	0
For each constituency exceeding six, a reduction of ... ..	50	0	0
2. For services in connection with the despatch and receipt of the ballot papers of persons entitled to vote by post:—			
For each county or borough constituency ... ..	8	5	0
In addition, if the number of persons entitled to vote by post in the constituency exceeds 500, there shall be paid:—			
For every 50 or fraction thereof over 500 up to 2,000 ... ..		5	6
For every 50 or fraction thereof over 2,000 ... ..		1	9
<b>II. In an uncontested election, for the services specified in paragraph I. 1 of this part of the Schedule the amount shall be one-third of the sum prescribed thereunder.</b>			
<b>III. For services in connection with the preparation, maintenance and issue of official poll cards:—</b>			
1. For each county constituency:—			
(a) For the preparation, the first revision and the issue of the cards on the occasion of an election ... ..	50	0	0
(b) For each revision after the first prior to the issue of the cards ... ..	16	10	0
2. For each borough constituency:—			
(a) For the preparation, first revision and the issue of the cards on the occasion of an election ... ..	50	0	0
Provided that the amount payable to a returning officer responsible for more than three borough constituencies shall be reduced as follows:—			
For each constituency exceeding three but not exceeding six, a reduction of ... ..	16	10	0
For each constituency exceeding six, a reduction of ... ..	25	0	0
(b) For each revision after the first prior to the issue of the cards ... ..	16	10	0

## PART B—DISBURSEMENTS

In no case shall a charge exceed the sum actually and necessarily paid or payable by the returning officer. Subject thereto the maximum charges shall be as follows:—

## I. In a contested election:—

	In a County Constituency	In a Borough Constituency
	£ s. d.	£ s. d.
1. For the presiding officer at each polling station (to include all expenses, other than any travelling and overnight subsistence expenses specified in this part of the Schedule) ... ..	7 7 0	7 7 0
<p>In addition, a further sum, not exceeding 10s. 6d., may be paid to one of the presiding officers at a polling place to which there are assigned not less than 3,000 voters (excluding absent voters other than those for whom proxies have been appointed) being a presiding officer who acts as overall presiding officer at that polling place.</p>		
2. (a) For one clerk at each polling station ...	4 0 0	4 0 0
<p>(b) For additional clerks at a polling station to which there are assigned more than 700 voters (excluding absent voters other than those for whom proxies have been appointed), such additional clerks not to exceed one clerk for every 600 voters or fraction thereof (calculated as aforesaid) in excess of 700:—</p> <p>For each additional clerk (whole-time or part-time as the case may require) an amount within a range having a maximum of ... ..</p>		
	4 0 0	4 0 0
3. For the employment of persons in connection with the preparation and issue of the official poll cards, including charges for employer's share of national insurance and superannuation contributions where payable:—		
(a) For the initial preparation of the cards:—		
For every 100 cards or fraction thereof ...	8 0	5 0
(b) For each revision:—		
(i) For every 100 cards or fraction thereof prepared on the initial preparation ... ..	1 0	1 0
(ii) For every 100 new cards or fraction thereof prepared ... ..	8 0	5 0
<p>Provided that, if the number of new cards does not exceed 15 per cent. of the number prepared on the initial preparation, the total allowance for the revision shall be increased by 5 per cent.</p>		
(c) For the revision of a particular section of the cards (other than such a revision carried out in the course of a revision of the whole):—		
For every 100 new cards or fraction thereof prepared ... ..	8 0	5 0

	In a County Constituency	In a Borough Constituency
	£ s. d.	£ s. d.
(d) For the completion and issue of the cards on the occasion of an election:— For every 100 cards or fraction thereof issued	4 0	3 6
<p>Provided that the maximum amount which a returning officer shall be entitled to charge under this sub-paragraph shall be the total of the sums which he would be entitled to charge for such of the stages of work represented by items (a), (b), (c) and (d) hereunder as he has carried out, notwithstanding that the amount disbursed by him for any particular stage is greater than the amount specified hereunder as the maximum amount for that stage.</p>		
<p>4. For the employment of persons in connection with the count and the ballot papers of electors entitled to vote by post, and for all clerical and other assistance employed by the returning officer, acting returning officer or deputy acting returning officer for the purposes of the election, including charges for employer's share of national insurance and superannuation contributions where payable:—</p>		
(a) If the number of registered parliamentary electors in the constituency does not exceed 50,000 ... ..	240 0 0	215 0 0
For every additional 1,000 electors or fraction thereof over 50,000 ... ..	3 12 0	3 12 0
(b) For every 100 persons or fraction thereof entitled to vote by post ... ..	3 6 0	3 6 0
(c) In the event of a recount of the votes being ordered:— For each recount ... ..	25 0 0	25 0 0

5. Returning officer's, acting returning officer's or deputy acting returning officer's travelling and overnight subsistence expenses where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.

First-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £3 3s. 0d. for each night necessarily spent away from home on account of duty.

6. Travelling and overnight subsistence expenses of presiding officers and poll clerks (including any expenses incurred in conveying the ballot boxes in those cases in which presiding officers or poll clerks are responsible for the transport of the boxes to or from the polling stations).

Second-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance to presiding officers not exceeding £2 7s. and to poll clerks not exceeding £2 for each night necessarily spent away from home on account of duty.

7. Travelling and overnight subsistence expenses of clerical and other assistants employed by the returning officer, acting returning officer or deputy acting returning officer where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.	Second-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £2 for each night spent necessarily away from home on account of duty.
8. For printing and providing ballot papers.	Actual and necessary cost.
9. For printing and providing official poll cards.	Actual and necessary cost.
10. For printing and providing notices and other documents required in and about the election or poll and costs of publishing the same.	Actual and necessary cost.
11. For the renting of any building or room for the purpose of the election and for expenses of heating, lighting and cleaning any building or room for such purpose.	Actual and necessary cost.
12. For adapting and fitting up any building or room for the purpose of the election (including the provision of voting compartments and any necessary furniture) and restoring it to fit condition for its normal use.	Actual and necessary cost.
13. For providing ballot boxes, including any repairs.	Actual and necessary cost.
14. For the conveyance of ballot boxes and ballot papers in those cases where the cost of transport is not included in the travelling expenses of presiding officers and poll clerks under paragraph I. 6 of this part of the Schedule.	Actual and necessary cost.
15. For every stamping instrument required to be purchased, hired, altered or repaired.	Actual and necessary cost.
16. For copies of the register ... ..	Actual and necessary cost.
17. For general stationery, postage, telegrams, telephone calls, bank charges and miscellaneous expenses.	Actual and necessary cost.

II. In an uncontested election, for all necessary preliminary work the amount shall be the same as the amount specified for corresponding work in a contested election, except that for all clerical and other assistance employed by the returning officer, acting returning officer or deputy acting returning officer for the purposes of the election, including charges for employer's share of national insurance and superannuation contributions where payable, the amount shall be not more than one quarter of the amount specified under paragraph I. 4 of this part of the Schedule.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, which are made by the Treasury in pursuance of section 20(2) of the Representation of the People Act 1949, prescribe, in relation to England and Wales, a revised scale increasing the maximum charges in respect of services rendered and some of the maximum charges in respect of expenses incurred by a returning officer for the purposes of or in connection with a parliamentary election.

1964 No. 1580

**REPRESENTATION OF THE PEOPLE**

**The Returning Officers' Expenses (Northern Ireland)  
Regulations 1964**

*Made* - - - - - 24th September 1964

*Coming into Operation* 25th September 1964

The Treasury, in pursuance of Section 20(2) of the Representation of the People Act 1949(a), hereby make the following Regulations:—

1. The maximum charges to which a returning officer at an Imperial parliamentary election in Northern Ireland shall be entitled are

(a) in respect of services rendered by him, the amount specified in Part A of the Schedule to these Regulations; and

(b) in respect of expenses incurred by him, the amounts specified in Part B of the said Schedule.

2. These Regulations shall have effect in relation to all Imperial parliamentary elections begun after 24th September 1964 and for the purposes of this and the next following regulation an Imperial parliamentary election shall be deemed to be begun on the day on which the writ for it is issued.

3. The Returning Officers' Expenses (Northern Ireland) Regulations 1962(b) are hereby revoked:

Provided that nothing in this revocation shall affect any Imperial parliamentary election begun before the 25th September 1964 and the said Regulations shall be deemed to continue in force for the purposes of any Imperial parliamentary election so begun.

4.—(1) These Regulations may be cited as the Returning Officers' Expenses (Northern Ireland) Regulations 1964.

(2) The Interpretation Act 1889(c), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

5. These Regulations shall come into force on the 25th September 1964.

*John Peel,*

*Martin McLaren,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

24th September 1964.



## SCHEDULE

## SCALE OF MAXIMUM CHARGES IN RESPECT OF SERVICES RENDERED AND EXPENSES INCURRED BY A RETURNING OFFICER FOR THE PURPOSES OF OR IN CONNECTION WITH A PARLIAMENTARY ELECTION

*Only the fees and disbursements specified hereunder shall be chargeable and in particular a returning officer shall not be entitled to charge as an expense payments which he makes from his fees (or otherwise) to a deputy returning officer by way of remuneration for performing functions of the returning officer.*

## PART A—FEES

	£.	s.	d.
<b>I. In a contested election:—</b>			
1. For conducting the election and generally performing all the duties which a returning officer is required to perform under any enactments relating to parliamentary elections, other than any duties for which separate fees are prescribed herein:—			
(a) For each county constituency ... ..	148	10	0
In addition, if the number of registered parliamentary electors exceeds 50,000 there shall be paid:—			
For every 1,000 electors or fraction thereof over 50,000 up to 60,000 ... ..	1	0	0
For every 1,000 electors or fraction thereof over 60,000 ... ..	16	6	
(b) For each constituency in the County Borough of Belfast ...	132	0	0
In addition, if the number of registered parliamentary electors exceeds 50,000 there shall be paid:—			
For every 1,000 electors or fraction thereof over 50,000 up to 60,000 ... ..	1	0	0
For every 1,000 electors or fraction thereof over 60,000 ... ..	16	6	
Provided that the amount payable to a returning officer responsible for more than three borough constituencies shall be reduced as follows:—			
For each constituency exceeding three, a reduction of	33	0	0
2. For services in connection with the despatch and receipt of the ballot papers of persons entitled to vote by post:—			
For each county or borough constituency ... ..	8	5	0
In addition, if the number of persons entitled to vote by post in the constituency exceeds 500, there shall be paid:—			
For every 50 or fraction thereof over 500 up to 2,000 ...	5	6	
For every 50 or fraction thereof over 2,000 ... ..	1	9	
<b>II. In an uncontested election, for the services specified in paragraph I.1 of this part of the Schedule the amount shall be one-third of the sum prescribed thereunder.</b>			
<b>III. For services in connection with the preparation, maintenance and issue of official poll cards:—</b>			
1. For each county constituency:—			
(a) For the preparation, the first revision and the issue of the cards on the occasion of an election ... ..	50	0	0
(b) For each revision after the first prior to the issue of the cards ... ..	16	10	0
2. For each constituency in the County Borough of Belfast:—			
(a) For the preparation, first revision and the issue of the cards on the occasion of an election ... ..	50	0	0
Provided that the amount payable to a returning officer responsible for more than three borough constituencies shall be reduced as follows:—			
For each constituency exceeding three a reduction of ...	16	10	0
(b) For each revision after the first prior to the issue of the cards ... ..	16	10	0

**PART B—DISBURSEMENTS**

In no case shall a charge exceed the sum actually and necessarily paid or payable by the returning officer. Subject thereto the maximum charges shall be as follows:—

**I. In a contested election:—**

	In a County Constituency	In a Constituency in the County Borough of Belfast
	£ s. d.	£ s. d.
1. For the presiding officer at each polling station (to include all expenses, other than any travelling and overnight subsistence expenses specified in this part of the Schedule) ... ..	7 7 0	7 7 0
<p>In addition, a further sum, not exceeding 10s. 6d., may be paid to one of the presiding officers at a polling place to which there are assigned not less than 3000 voters (excluding absent voters other than those for whom proxies have been appointed) being a presiding officer who acts as overall presiding officer at that polling place.</p>		
2. (a) For one clerk at each polling station ...	4 0 0	4 0 0
<p>(b) For additional clerks at a polling station to which there are assigned more than 700 voters (excluding absent voters other than those for whom proxies have been appointed), such additional clerks not to exceed one clerk for every 600 voters or fraction thereof (calculated as aforesaid) in excess of 700:—</p> <p>For each additional clerk (whole-time or part-time as the case may require) an amount within a range having a maximum of ... ..</p>		
	4 0 0	4 0 0
3. For the employment of persons in connection with the preparation and issue of the official poll cards, including charges for employer's share of national insurance and superannuation contributions where payable:—		
(a) For the initial preparation of the cards:—		
For every 100 cards or fraction thereof ...	8 0	5 0
(b) For each revision:—		
(i) For every 100 cards or fraction thereof prepared on the initial preparation ... ..	1 0	1 0
(ii) For every 100 new cards or fraction thereof prepared ... ..	8 0	5 0
<p>Provided that, if the number of new cards does not exceed 15 per cent. of the number prepared on the initial preparation, the total allowance for the revision shall be increased by 5 per cent.</p>		
(c) For the revision of a particular section of the cards (other than such a revision carried out in the course of a revision of the whole):—		
For every 100 new cards or fraction thereof prepared ... ..	8 0	5 0

	In a County Constituency	In a Constituency in the County Borough of Belfast
	£ s. d.	£ s. d.
(d) For the completion and issue of the cards on the occasion of an election:— For every 100 cards or fraction thereof issued	4 0	3 6
<p>Provided that the maximum amount which a returning officer shall be entitled to charge under this sub-paragraph shall be the total of the sums which he would be entitled to charge for such of the stages of work represented by items (a), (b), (c) and (d) hereunder as he has carried out, notwithstanding that the amount disbursed by him for any particular stage is greater than the amount specified hereunder as the maximum amount for that stage.</p>		
<p>4. For the employment of persons in connection with the count and the ballot papers of electors entitled to vote by post, and for all clerical and other assistance employed by the returning officer, or deputy returning officer for the purposes of the election, including charges for employer's share of national insurance and superannuation contributions where payable:—</p>		
(a) If the number of registered parliamentary electors in the constituency does not exceed 50,000 ... ..	240 0 0	215 0 0
For every additional 1,000 electors or fraction thereof over 50,000 ... ..	3 12 0	3 12 0
(b) For every 100 persons or fraction thereof entitled to vote by post ... ..	3 6 0	3 6 0
(c) In the event of a recount of the votes being ordered:— For each recount ... ..	25 0 0	25 0 0

5. Returning or deputy returning officer's travelling and overnight subsistence expenses where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.

First-class railway expenses, or where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £2 7s. for each night necessarily spent away from home on account of duty.

6. Travelling and overnight subsistence expenses of presiding officers and poll clerks (including any expenses incurred in conveying the ballot boxes in those cases in which presiding officers or poll clerks are responsible for the transport of the boxes to or from the polling stations).

Second-class railway expenses, or where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £1 19s. for each night necessarily spent away from home on account of duty.

7. Travelling and overnight subsistence expenses of clerical and other assistants employed by the returning officer, or deputy returning officer where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.	Second-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £1 19s. for each night spent necessarily away from home on account of duty.
8. For printing and providing ballot papers.	Actual and necessary cost.
9. For printing and providing official poll cards.	Actual and necessary cost.
10. For printing and providing notices and other documents required in and about the election or poll and costs of publishing the same.	Actual and necessary cost.
11. For the renting of any building or room for the purpose of the election and for expenses of heating, lighting and cleaning any building or room for such purpose.	Actual and necessary cost.
12. For adapting and fitting up any building or room for the purpose of the election (including the provision of voting compartments and any necessary furniture) and restoring it to fit condition for its normal use.	Actual and necessary cost.
13. For providing ballot boxes, including any repairs.	Actual and necessary cost.
14. For the conveyance of ballot boxes and ballot papers in those cases where the cost of transport is not included in the travelling expenses of presiding officers and poll clerks under paragraph I.6 of this part of the Schedule.	Actual and necessary cost.
15. For every stamping instrument required to be purchased, hired, altered or repaired.	Actual and necessary cost.
16. For copies of the register ... ..	Actual and necessary cost.
17. For general stationery, postage, telegrams, telephone calls, bank charges and miscellaneous expenses.	Actual and necessary cost.

II. In an uncontested election, for all necessary preliminary work the amount shall be the same as the amount specified for corresponding work in a contested election, except that for all clerical and other assistance employed by the returning officer, or deputy returning officer for the purposes of the election, including charges for employer's share of national insurance and superannuation contributions where payable, the amount shall be not more than one quarter of the amount specified under paragraph I.4 of this part of the Schedule.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, which are made by the Treasury in pursuance of section 20(2) of the Representation of the People Act 1949, prescribe, in relation to Northern Ireland, a revised scale increasing the maximum charges in respect of services rendered and some of the maximum charges in respect of expenses incurred by a returning officer for the purposes of or in connection with a parliamentary election.

## 1964 No. 1581

## REPRESENTATION OF THE PEOPLE

The Returning Officers' Expenses (Scotland)  
Regulations 1964

Made - - - - 24th September 1964

Coming into Operation 25th September 1964

The Treasury, in pursuance of section 20(2) of the Representation of the People Act 1949(a), hereby make the following Regulations:—

1. The maximum charges to which a returning officer at a parliamentary election in Scotland shall be entitled are

(a) in respect of services rendered by him, the amounts specified in Part A of the Schedule to these Regulations; and

(b) in respect of expenses incurred by him, the amounts specified in Part B of the said Schedule.

2. These Regulations shall have effect in relation to all parliamentary elections begun after the 24th September 1964 and for the purposes of this and the next following regulation a parliamentary election shall be deemed to be begun on the day on which the writ for it is issued.

3. The Returning Officers' Expenses (Scotland) Regulations 1962(b) and The Returning Officers' Expenses (Scotland) (Amendment) Regulations 1962(c) are hereby revoked:

Provided that nothing in this revocation shall affect any parliamentary election begun before the 25th September 1964 and the said Regulations shall be deemed to continue in force for the purposes of any parliamentary election so begun.

4.—(1) These Regulations may be cited as the Returning Officers' Expenses (Scotland) Regulations 1964.

(2) The Interpretation Act 1889(d), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

5. These Regulations shall come into force on 25th September 1964.

*John Peel,*

*Martin McLaren,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

24th September 1964.

(a) 12, 13 & 14 Geo. 6. c. 68.  
(c) S.I. 1962/759 (1962 I, p. 756).

(b) S.I. 1962/180 (1962 I, p. 185).  
(d) 52 & 53 Vict. c. 63.

## SCHEDULE

## SCALE OF MAXIMUM CHARGES IN RESPECT OF SERVICES RENDERED AND EXPENSES INCURRED BY A RETURNING OFFICER FOR THE PURPOSES OF OR IN CONNECTION WITH A PARLIAMENTARY ELECTION

*Only the fees and disbursements specified hereunder shall be chargeable and in particular a returning officer shall not be entitled to charge as an expense payments which he makes from his fees (or otherwise) to a deputy acting returning officer by way of remuneration for performing functions of the returning officer.*

## PART A—FEES

	£	s.	d.
I. In a contested election:			
1. For conducting the election and generally performing all the duties which a returning officer is required to perform under any enactments relating to parliamentary elections, other than any duties for which separate fees are prescribed herein:—			
(a) For each county constituency ... ..	148	10	0
In addition, if the number of registered parliamentary electors exceeds 50,000 there shall be paid:—			
For every 1,000 electors or fraction thereof over 50,000 up to 60,000 ... ..		1	0
For every 1,000 electors or fraction thereof over 60,000 ... ..		16	6
(b) For each burgh constituency ... ..	132	0	0
In addition, if the number of registered parliamentary electors exceeds 50,000 there shall be paid:—			
For every 1,000 electors or fraction thereof over 50,000 up to 60,000 ... ..		1	0
For every 1,000 electors or fraction thereof over 60,000 ... ..		16	6
Provided that the amount payable to a returning officer responsible for more than three burgh constituencies shall be reduced as follows:—			
For each constituency exceeding three but not exceeding six, a reduction of ... ..	33	0	0
For each constituency exceeding six, a reduction of ... ..	50	0	0
2. For services in connection with the despatch and receipt of the ballot papers of persons entitled to vote by post:—			
For each county or burgh constituency ... ..	8	5	0
In addition, if the number of persons entitled to vote by post in the constituency exceeds 500, there shall be paid:—			
For every 50 or fraction thereof over 500 up to 2,000 ... ..		5	6
For every 50 or fraction thereof over 2,000 ... ..		1	9
II. In an uncontested election, for the services specified in paragraph I. 1 of this part of the Schedule the amount shall be one-third of the sum prescribed thereunder.			
III. For services in connection with the preparation, maintenance and issue of official poll cards:—			
1. For each county constituency:—			
(a) For the preparation, the first revision and the issue of the cards on the occasion of an election ... ..	50	0	0
(b) for each revision after the first prior to the issue of the cards ... ..	16	10	0
2. For each burgh constituency:—			
(a) For the preparation, first revision and the issue of the cards on the occasion of an election ... ..	50	0	0
Provided that the amount payable to a returning officer responsible for more than three burgh constituencies shall be reduced as follows:—			
For each constituency exceeding three but not exceeding six, a reduction of ... ..	16	10	0
For each constituency exceeding six, a reduction of ... ..	25	0	0
(b) For each revision after the first prior to the issue of the cards ... ..	16	10	0

## PART B—DISBURSEMENTS

In no case shall a charge exceed the sum actually and necessarily paid or payable by the returning officer. Subject thereto the maximum charges shall be as follows:—

## I. In a contested election:—

	In a County Constituency	In a Burgh Constituency
	£ s. d.	£ s. d.
1. For the presiding officer at each polling station (to include all expenses, other than any travelling and overnight subsistence expenses specified in this part of the Schedule) ... ..	7 7 0	7 7 0
In addition, a further sum, not exceeding 10s. 6d., may be paid to one of the presiding officers at a polling place to which there are assigned not less than 3,000 voters (excluding absent voters other than those for whom proxies have been appointed) being a presiding officer who acts as overall presiding officer at that polling place.		
2. (a) For one clerk at each polling station ...	4 0 0	4 0 0
(b) For additional clerks at a polling station to which there are assigned more than 700 voters (excluding absent voters other than those for whom proxies have been appointed), such additional clerks not to exceed one clerk for every 600 voters or fraction thereof (calculated as aforesaid) in excess of 700:—		
For each additional clerk (whole-time or part-time as the case may require) an amount within a range having a maximum of ... ..	4 0 0	4 0 0
3. For the employment of persons in connection with the preparation and issue of the official poll cards, including charges for employer's share of national insurance and superannuation contributions where payable:—		
(a) For the initial preparation of the cards:—		
For every 100 cards or fraction thereof ...	8 0	5 0
(b) For each revision:—		
(i) For every 100 cards or fraction thereof prepared on the initial preparation ...	1 0	1 0
(ii) For every 100 new cards or fraction thereof prepared ... ..	8 0	5 0
Provided that, if the number of new cards does not exceed 15 per cent. of the number prepared on the initial preparation, the total allowance for the revision shall be increased by 5 per cent.		
(c) For the revision of a particular section of the cards (other than such a revision carried out in the course of a revision of the whole):—		
For every 100 new cards or fraction thereof prepared ... ..	8 0	5 0



	In a County Constituency	In a Burgh Constituency
(d) For the completion and issue of the cards on the occasion of an election:— For every 100 cards or fraction thereof issued	£ s. d. 4 0	£ s. d. 3 6
<p>Provided that the maximum amount which a returning officer shall be entitled to charge under this sub-paragraph shall be the total of the sums which he would be entitled to charge for such of the stages of work represented by items (a), (b), (c) and (d) hereunder as he has carried out, notwithstanding that the amount disbursed by him for any particular stage is greater than the amount specified hereunder as the maximum amount for that stage.</p>		
<p>4. For the employment of persons in connection with the count and the ballot papers of electors entitled to vote by post, and for all clerical and other assistance employed by the returning officer, acting returning officer or deputy acting returning officer for the purposes of the election, including charges for employer's share of national insurance and super-annuation contributions where payable:—</p>		
(a) If the number of registered parliamentary electors in the constituency does not exceed 50,000 ... ..	240 0 0	215 0 0
For every additional 1,000 electors or fraction thereof over 50,000 ... ..	3 12 0	3 12 0
(b) For every 100 persons or fraction thereof entitled to vote by post ... ..	3 6 0	3 6 0
(c) In the event of a recount of the votes being ordered:— For each recount ... ..	25 0 0	25 0 0

5. Returning officer's, acting returning officer's or deputy acting returning officer's travelling and overnight subsistence expenses where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.

First-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £3 3s. for each night necessarily spent away from home on account of duty.

6. Travelling and overnight subsistence expenses of presiding officers and poll clerks (including any expenses incurred in conveying the ballot boxes in those cases in which presiding officers or poll clerks are responsible for the transport of the boxes to or from the polling stations).

Second-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance to presiding officers not exceeding £2 7s. and to poll clerks not exceeding £2 for each night necessarily spent away from home on account of duty.

7. Travelling and overnight subsistence expenses of clerical and other assistants employed by the returning officer, acting returning officer or deputy acting returning officer where necessary to make arrangements for the poll or otherwise in connection with the conduct of the election.	Second-class railway expenses, or, where railway service is not available, the actual and necessary cost, with subsistence allowance not exceeding £2 for each night spent necessarily away from home on account of duty.
8. For printing and providing ballot papers.	Actual and necessary cost.
9. For printing and providing official poll cards.	Actual and necessary cost.
10. For printing and providing notices and other documents required in and about the election or poll and costs of publishing the same.	Actual and necessary cost.
11. For the renting of any building or room for the purpose of the election and for expenses of heating, lighting and cleaning any building or room for such purpose.	Actual and necessary cost.
12. For adapting and fitting up any building or room for the purpose of the election (including the provision of voting compartments and any necessary furniture) and restoring it to fit condition for its normal use.	Actual and necessary cost.
13. For providing ballot boxes, including any repairs.	Actual and necessary cost.
14. For the conveyance of ballot boxes and ballot papers in those cases where the cost of transport is not included in the travelling expenses of presiding officers and poll clerks under paragraph L6 of this part of the Schedule.	Actual and necessary cost.
15. For every stamping instrument required to be purchased, hired, altered or repaired.	Actual and necessary cost.
16. For copies of the register ... ..	Actual and necessary cost.
17. For general stationery, postage, telegrams, telephone calls, bank charges and miscellaneous expenses.	Actual and necessary cost.

II. In an uncontested election, for all necessary preliminary work the amount shall be the same as the amount specified for corresponding work in a contested election, except that for all clerical and other assistance employed by the returning officer, acting returning officer or deputy acting returning officer for the purposes of the election, including charges for employer's share of national insurance and superannuation contributions where payable, the amount shall be not more than one quarter of the amount specified under paragraph I, 4 of this part of the Schedule.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, which are made by the Treasury in pursuance of section 20(2) of the Representation of the People Act 1949, prescribe, in relation to Scotland, a revised scale increasing the maximum charges in respect of services rendered and some of the maximum charges in respect of expenses incurred by a returning officer for the purposes of or in connection with a parliamentary election.

## STATUTORY INSTRUMENTS

1964 No. 1582

## WAGES COUNCILS

**The Wages Regulation (Cotton Waste Reclamation)  
(Amendment) Order 1964***Made - - - - 24th September 1964**Coming into Operation 12th October 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Cotton Waste Reclamation Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

**1.** This Order may be cited as the Wages Regulation (Cotton Waste Reclamation) (Amendment) Order 1964.

**2.**—(1) In this Order the expression "the specified date" means the 12th October 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

**3.** The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date.

Signed by order of the Minister of Labour.

24th September 1964.

*L. J. Dunnett,*  
Secretary,  
Ministry of Labour.

## SCHEDULE

## STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Cotton Waste Reclamation) Order 1964(c) (Order C.W.(71)) shall have effect as if in the Schedule thereto for paragraph 4 there was substituted the following paragraph:—

## " MINIMUM OVERTIME RATES

**4.**—(1) *Subject to the provisions of this paragraph, minimum overtime rates are payable to any worker as follows:—*

(a) *on any day other than a Saturday, Sunday or customary holiday—*

(i) *for the first 2 hours worked in excess of 9 hours time-and-a-quarter*

(ii) *thereafter ... .. time-and-a-half*

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1964/1127 (1964 II, p. 2515).

- (b) *on a Saturday—*
- (i) *for the first 2 hours worked ... .. time-and-a-quarter*
- (ii) *thereafter ... .. time-and-a-half*
- (c) *on a Sunday or a customary holiday,*  
for all time worked ... .. double time
- (d) *in any week (exclusive of any time in respect of which any minimum overtime rate is payable under the foregoing provisions of this sub-paragraph)—*
- (i) *for the first 2 hours worked in excess of 42½*  
*hours ... .. time-and-a-quarter*
- (ii) *thereafter ... .. time-and-a-half*
- (2) *Notwithstanding the provisions of (a) (i) (b) (i) and (d) (i) of sub-paragraph (1) of this paragraph, overtime at the rate of time-and-a-quarter shall not be paid for more than an aggregate of 2 hours worked in any week and any overtime so worked in excess of 2 hours in the aggregate shall be paid for at the overtime rate of time-and-a-half.*
- (3) In this paragraph the expression 'customary holiday' means:—
- (a) (i) in England and Wales—  
Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday.
- (ii) in Scotland—  
New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);  
the local Spring holiday;  
the local Autumn holiday; and  
three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday;
- or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day, or a day substituted by agreement between the employer and the worker or his representative.
- (4) In this paragraph the expressions 'time-and-a-quarter', 'time-and-a-half' and 'double time' mean respectively one and a quarter times, one and a half times, and twice the minimum remuneration payable to the worker for work to which a minimum overtime rate does not apply."

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order which has effect from 12th October 1964 amends the Wages Regulation (Cotton Waste Reclamation) Order 1964 (Order C.W.(71)) by providing for overtime rates to be payable on a daily as well as a weekly basis for all days of the week.

New provisions are printed in italics.

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**STATUTORY INSTRUMENTS**

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**1964 No. 1592****BORROWING AND SECURITIES****The Protection of Depositors (Registration of Documents)  
(Fees) Regulations 1964**

*Made - - - - 29th September 1964*

*Coming into Operation 12th October 1964*

The Board of Trade, in pursuance of the powers conferred upon them by section 24(2) of the Protection of Depositors Act 1963(a), hereby make the following Regulations:—

1. All the accounts, notices and other documents delivered under the said Act to the registrar of companies are prescribed as the accounts, notices and documents for the registration of which, by virtue of the said section, a fee of five shillings is to be paid.

2. These Regulations may be cited as the Protection of Depositors (Registration of Documents) (Fees) Regulations 1964 and shall come into operation on 12th October 1964.

29th September 1964.

*J. B. Smith,*  
An Assistant Secretary of  
the Board of Trade.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

Section 24(2) of the Protection of Depositors Act 1963 provides that a fee of 5s. 0d. is to be paid to the registrar of companies for the registration of such of the documents delivered to him under the Act as may be prescribed by the Board of Trade.

These Regulations prescribe all such documents as being those for which such a fee is payable.

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(a) 1963 c. 16.

1964 No. 1596

## SEA FISHERIES

## FISHERY LIMITS

**The Fishing Boats (Belgium) Designation Order 1964***Made* - - - - 29th September 1964*Coming into Operation* 30th September 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964(a) and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (Belgium) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) Belgium is hereby designated for the purpose of section 1(3) of the Act.

(2) The areas in which fishing boats registered in Belgium may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the Schedule to this Order in respect of each such area as aforesaid.

4. Section 2 of the Act shall apply to fishing boats registered in Belgium.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*

Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 29th September 1964.

*Henry Brooke,*

Secretary of State for the Home Department.

## SCHEDULE

Column 1 Area	Column 2 Demarcation lines. Landmarks and directions	Column 3 Descriptions of sea-fish
<b>ENGLAND AND WALES</b>		
1	1. South Bishop Lighthouse— North-west 2. Straight Point Lighthouse— South-east	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
2	1. Selsey Bill—South 2. Dungeness New Lighthouse— South	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
3	1. Dungeness New Lighthouse— South 2. North Foreland Lighthouse— East	Herring; demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
4	1. North Foreland Lighthouse— East 2. Southwold Lighthouse—East	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
<b>SCOTLAND</b>		
5	1. Troup Head Lighthouse— North 2. Noss Head Lighthouse—East	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
6	1. Strathy Point Lighthouse— North 2. Butt of Lewis Lighthouse— West	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
<b>ISLE OF MAN</b>		
7	1. Jurby Head Church—West 2. Chicken Rock Lighthouse— South	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order designates Belgium as a country whose registered fishing boats are accorded fishing rights within areas of the outer belt of the fishery limits of the British Islands. The areas and the descriptions of fish which may be fished for are specified.

The Order also provides that Belgian fishing boats may fish for a transitional period within part of the exclusive fishery limits of the British Islands.



1964 No. 1597

**SEA FISHERIES****FISHERY LIMITS****The Fishing Boats (Federal Republic of Germany)  
Designation Order 1964***Made* - - - - 29th September 1964*Coming into Operation* 30th September 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964<sup>(a)</sup> and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (Federal Republic of Germany) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889<sup>(b)</sup> shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) The Federal Republic of Germany is hereby designated for the purpose of section 1(3) of the Act.

(2) The areas in which fishing boats registered in the Federal Republic of Germany may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions, mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) The sea fish for which such fishing boats may fish is herring.

4. Section 2 of the Act shall apply to fishing boats registered in the Federal Republic of Germany.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

(a) 1964 c. 72.

(b) 52 &amp; 53 Vict. c. 63.

Given under the Hand of the Secretary of State for the Home Department on 29th September 1964.

*Henry Brooke,*  
Secretary of State for the Home Department.

SCHEDULE

Column 1. Area.	Column 2. Demarcation lines. Landmarks and directions.
	ENGLAND AND WALES.
1.	1. Dungeness New Lighthouse—South. 2. North Foreland Lighthouse—East.
2.	1. Whitby High Lighthouse—East. 2. Longstone Lighthouse—East.
	SCOTLAND.
3.	1. Shetland—Sumburgh Head Lighthouse—South East. 2. Fair Isle—Skroo Lighthouse—North East. 3. Fair Isle—Skadan Lighthouse—South West.
4.	1. Cape Wrath Lighthouse—North East. 2. Butt of Lewis Lighthouse (Lith Sgeir)—West.
5.	1. St. Kilda—Boreray Summit—North East. 2. St. Kilda Summit—South East.

EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order designates the Federal Republic of Germany as a country whose registered fishing boats are accorded rights to fish for herring within specified areas of the outer belt of the fishery limits of the British Islands. It also provides that such fishing boats may fish for herring during a transitional period within part of the exclusive fishery limits of the British Islands.

1964 No. 1598

**SEA FISHERIES****FISHERY LIMITS****The Fishing Boats (France) Designation Order 1964***Made - - - - - 29th September 1964**Coming into Operation 30th September 1964*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964(a) and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (France) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) France is hereby designated for the purpose of section 1(3) of the Act.

(2) The areas in which fishing boats registered in France may fish in the outer belt of the fishery limits of the British Islands shall be:—

(a) the whole of the outer belt surrounding the islands referred to in the 2nd column of Schedule 1 to this Order;

(b) the areas which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of Schedule 2 to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedules to this Order in respect of each such area as aforesaid.

4. Section 2 of the Act shall apply to fishing boats registered in France.

In witness whereof the Official Seal of the Minister of Agriculture Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*

Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*

Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 29th September 1964.

*Henry Brooke,*

Secretary of State for the Home Department.

**SCHEDULE 1**

Column 1 Area	Column 2 Islands	Column 3 Descriptions of sea-fish
1	Sulisker and North Rona ...	Lobsters; crawfish
2	St. Kilda ... ..	Lobsters; crawfish

**SCHEDULE 2**

Column 1 Area	Column 2 Demarcation lines. Landmarks and directions	Column 3 Descriptions of sea-fish
3	ENGLAND AND WALES	Lobsters
	1. Bardsey Island Lighthouse— South-west 2. South Bishop Lighthouse— North-west	
4	1. South Bishop Lighthouse— North-west 2. Skokham Island Lighthouse— South	Lobsters; demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
5	1. Hartland Point Lighthouse— North-west 2. Longships Lighthouse—South- west	Lobsters; crawfish; demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
6	1. Longships Lighthouse—South- west 2. Straight Point Lighthouse— South-east	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
7	1. Selsey Bill—South 2. Beachy Head Lighthouse— South	Lobsters; demersal fish except sand eels, Norway pout, smelts, eels and great weevers
8	1. Beachy Head Lighthouse— South 2. Dungeness New Lighthouse— South	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
9	1. Dungeness New Lighthouse— South 2. North Foreland Lighthouse— East	Herring; demersal fish except sand eels, Norway pout, smelts, eels and great weevers.

SCHEDULE 2—*continued*

Column 1 Area	Column 2 Demarcation lines, Landmarks and directions	Column 3 Descriptions of sea-fish
10	1. North Foreland Lighthouse— East 2. Southwold Lighthouse—East	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers.
11	SCOTLAND AND NORTHERN IRELAND	Lobsters; crawfish
	1. Butt of Lewis Lighthouse— West 2. Barra Head Lighthouse—West	
12	1. Sanda Island Lighthouse— South-west 2. Haulbowline Rocks Lighthouse —South-east 3. Mull of Galloway Lighthouse— South	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers
13	ISLE OF MAN	Demersal fish except sand eels, Norway pout, smelts, eels and great weevers
	1. Jurby Head Church—West 2. Chicken Rock Lighthouse— South	
14	CHANNEL ISLANDS	Crabs
	1. L'etac de Sark—South-west 2. Les Hanois Lighthouse—West	

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order designates France as a country whose registered fishing boats are accorded fishing rights within areas of the outer belt of the fishery limits of the British Islands. The areas and the descriptions of fish which may be fished for are specified.

The Order also provides that French fishing boats may fish for a transitional period within part of the exclusive fishery limits of the British Islands.

1964 No. 1599

## SEA FISHERIES

## FISHERY LIMITS

**The Fishing Boats (Netherlands) Designation Order 1964***Made* - - - - 29th September 1964*Coming into Operation* 30th September 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964<sup>(a)</sup> and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (Netherlands) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889<sup>(b)</sup> shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) The Netherlands is hereby designated for the purpose of section 1(3) of the Act.

(2) The areas in which fishing boats registered in the Netherlands may fish in the outer belt of the fishery limits of the British Islands shall be those which respectively lie between the demarcation lines drawn from the land-marks, and in the true directions, mentioned in the 2nd column of the Schedule to this Order in respect of each such area as aforesaid.

(3) The sea fish for which such fishing boats may fish is herring.

4. Section 2 of the Act shall apply to fishing boats registered in the Netherlands.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

(a) 1964 c. 72.

(b) 52 &amp; 53 Vict. c. 63.

Given under the hand of the Secretary of State for the Home Department  
on 29th September 1964.

*Henry Brooke,*  
Secretary of State for the Home Department.

SCHEDULE

Column 1 Area	Column 2 Demarcation lines. Landmarks and directions.
1	ENGLAND AND WALES
	1. Dungeness New Lighthouse—South 2. North Foreland Lighthouse—East
	1. Flamborough Head Lighthouse—East 2. Longstone Lighthouse—East

EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order designates the Netherlands as a country whose registered fishing boats are accorded rights to fish for herring within specified areas of the outer belt of the fishery limits of the British Islands. It also provides that such fishing boats may fish for herring during a transitional period within part of the exclusive fishery limits of the British Islands.

1964 No. 1600

## SEA FISHERIES

## FISHERY LIMITS

**The Fishing Boats (Norway) Designation Order 1964***Made* - - - - 29th September 1964*Coming into Operation* 30th September 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964(a) and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (Norway) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) Norway is hereby designated for the purpose of section 1(3) of the Act.

(2) The areas in which fishing boats registered in Norway may fish in the outer belt of the fishery limits of the British Islands shall be:—

(a) the whole of the outer belt surrounding the islands referred to in the 2nd column of Schedule 1 to this Order

(b) those areas which respectively lie between the demarcation lines drawn from the landmarks, and in the true directions mentioned in the 2nd column of Schedule 2 to this Order in respect of each such area as aforesaid.

(3) The descriptions of sea fish for which such fishing boats may fish shall be those specified in the 3rd column of the said Schedules to this Order in respect of each such area as aforesaid.

4. Section 2 of the Act shall apply to fishing boats registered in Norway.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 29th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.



Given under the Hand of the Secretary of State for the Home Department on 29th September 1964.

*Henry Brooke,*  
Secretary of State for the Home Department.

## SCHEDULE 1

Column 1 Area	Column 2 Islands	Column 3 Descriptions of sea-fish
1	St. Kilda and Boreray ... ..	} Dogfish; basking sharks
2	Flannan Islands ... ..	
3	Sulisker and North Rona ... ..	
4	Sule Skerry and Stack Skerry ... ..	
5	Shetland Islands ... ..	
6	Fair Isle ... ..	

## SCHEDULE 2

Column 1 Area	Column 2 Demarcation lines. Landmarks and directions	Column 3 Descriptions of sea-fish
7	1. Ard an Runair Point—West ... 2. Start Point Lighthouse—East...	Dogfish; basking sharks
8	1. Ard an Runair Point—West... 2. Mull of Oa—West ... ..	Basking sharks

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order designates Norway as a country whose registered fishing boats are accorded fishing rights within areas of the outer belt of the fishery limits of the British Islands. The areas and the descriptions of fish which may be fished for are specified.

The Order also provides that Norwegian fishing boats may fish for a transitional period within part of the exclusive fishery limits of the British Islands.

**1964 No. 1601**

**SEA FISHERIES**

**FISHERY LIMITS**

**The Fishing Boats (Poland) Designation Order 1964**

*Made - - - - 29th September 1964*

*Coming into Operation 30th September 1964*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964(a) and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (Poland) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) Poland is hereby designated for the purpose of section 1(3) of the Act.

(2) The area in which fishing boats registered in Poland may fish in the outer belt of the fishery limits of the British Islands shall extend from a line drawn due East from the Longstone Lighthouse to a line drawn due East from the River Tyne North Pier Lighthouse.

(3) The sea fish for which such fishing boats may fish is herring.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 29th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 29th September 1964.

(L.S.)

*Henry Brooke,*  
Secretary of State for the Home Department.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

**This Order designates Poland as a country whose registered fishing boats are accorded rights to fish for herring within a specified area of the outer belt of the fishery limits of the British Islands.**

**1964 No. 1602**

**SEA FISHERIES**

**FISHERY LIMITS**

**The Fishing Boats (Republic of Ireland) Designation  
Order 1964**

*Made - - - - 29th September 1964*

*Coming into Operation 30th September 1964*

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with sea-fishing in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 1 of the Fishery Limits Act 1964(a) and of all other powers enabling them in that behalf hereby make the following Order:—

1. This Order may be cited as the Fishing Boats (Republic of Ireland) Designation Order 1964 and shall come into operation on 30th September 1964.

2.—(1) In this Order “the Act” means the Fishery Limits Act 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3.—(1) The Republic of Ireland is hereby designated for the purpose of section 1(3) of the Act.

(2) The area in which fishing boats registered in the Republic of Ireland may fish is the outer belt of so much of the fishery limits of the British Islands as is adjacent to Northern Ireland.

(3) Within the area defined in the last preceding sub-paragraph fishing boats registered in the Republic of Ireland may fish for sea fish of all descriptions.

4. Section 2 of the Act shall apply to fishing boats registered in the Republic of Ireland.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department  
on 29th September 1964.

*Henry Brooke,*  
Secretary of State for the Home Department.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate  
its general purport.)*

This Order designates the Republic of Ireland as a country whose registered fishing boats are accorded rights to fish for fish of all descriptions within specified areas of the outer belt of the fishery limits of the British Islands. It also provides that such fishing boats may so fish during a transitional period within part of the exclusive fishery limits of the British Islands.

1964 No. 1603

**SEA FISHERIES**

**BOATS AND METHODS OF FISHING**

**The Sea-Fishing Industry (Nets on British and Foreign Fishing Boats) Order 1964**

Made - - - - 29th September 1964

\* To be laid before Parliament

Coming into Operation 1st November 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by sections 3 and 8 of the Sea-Fishing Industry Act 1933(a) (as amended by section 38 of the Sea Fish Industry Act 1938(b), section 1 of the White Fish and Herring Industries Act 1948(c), section 5 of the Sea Fish Industry Act 1959(d) and section 3(3) of and Schedule 1 to the Fishery Limits Act 1964(e)) and of all other powers enabling them in that behalf hereby make the following Order:—

*Citation and Commencement*

1. This Order may be cited as the Sea-Fishing Industry (Nets on British and Foreign Fishing Boats) Order 1964, and shall come into operation on 1st November 1964.

*Interpretation*

2.—(1) In this Order

“the area dividing line” means a line drawn west from the meridian of 51 degrees east longitude along the parallel of 66 degrees north latitude to the meridian of 10 degrees west longitude, thence south to the parallel of 62 degrees north latitude, thence west to the meridian of 28 degrees west longitude, thence south to the parallel of 59 degrees north latitude and thence west to the meridian of 44 degrees west longitude;

“British Sea-Fishery Officer” means any person who is for the time being a British Sea-Fishery Officer by virtue of section 11(2) of the Sea Fisheries Act 1883(f), as amended or extended by or under any subsequent enactment;

“fishery limits of the British Islands” and “foreign fishing boat” have the meanings respectively assigned to them by the Fishery Limits Act 1964;

“fishing boat” means a vessel of whatever size and in whatever way propelled which is for the time being employed in sea-fishing or in the sea-fishing service;

“the Irish Sea” means the area bounded on the north by the parallel of 54 degrees 38 minutes north latitude, on the east by the western coasts of

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\* This Instrument was laid before Parliament on 27th October 1964.

(a) 23 & 24 Geo. 5. c. 45.  
(d) 8 & 9 Eliz. 2. c. 7.

(b) 1 & 2 Geo. 6. c. 30.  
(e) 1964 c. 72.

(c) 11 & 12 Geo. 6. c. 51.  
(f) 46 & 47 Vict. c. 22.

England and Wales, on the south by the parallel of 51 degrees north latitude and on the west by the meridian of 7 degrees west longitude and the eastern coasts of the Republic of Ireland and Northern Ireland ;

“net” means any net constructed to take fish whilst being towed or hauled.

(2) The Interpretation Act 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

#### *Revocation of Previous Orders*

3. The Sea-Fishing Industry (Fishing Nets) Order 1964(b) is hereby revoked.

#### *Areas in relation to which this Order has application*

4. This Order has application in relation to those areas of the Atlantic and Arctic Oceans and seas adjacent to those oceans which lie north of the parallel of 48 degrees north latitude and between the meridians of 44 degrees west longitude and 51 degrees east longitude, but excluding the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head, Denmark, to Griben Point, Denmark, from Korshage, Denmark, to Spodsbjerg, Denmark and from Gilbjerg Head, Denmark, to Kullen, Sweden.

#### *Sizes of Mesh of Nets*

5.—(1) Except as hereinafter provided, there shall not be carried, in any British fishing boat registered in the United Kingdom, for the purpose of fishing for sea-fish in any of the waters referred to in the first column of schedule 1 to this Order (being waters within the areas referred to in Article 4 of this Order), any net or part of a net of a type specified in the second column of schedule 1 opposite the reference to the said waters, unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick and of a width specified in the third column of schedule 1 opposite the reference to the type of net in the second column will pass easily through the mesh whether the net is wet or dry.

(2) Except as hereinafter provided, there shall not be carried, in any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom, for the purpose of fishing for sea-fish in any waters, any net or part of a net of a type specified in the first column of schedule 2 to this Order unless it has in all its parts meshes of such dimensions that when any mesh is stretched diagonally lengthwise of the net a flat gauge 2 millimetres thick and of a width specified in the second column of schedule 2 opposite the reference to the type of net in the first column of schedule 2 will pass easily through the mesh whether the net is wet or dry.

#### *Obstruction of Meshes of Nets*

6.—(1) Except as hereinafter provided in this Article, no person shall use any net in such a manner as to obstruct or in effect to diminish the mesh in any part of the net, and no person shall cover any net or any part thereof with canvas or any other material, or use any other artifice, for the purpose of evading the restrictions imposed by this Order.

(2) Nothing in this Article shall be deemed to prohibit the attachment to the underside of the cod-end of a net of any canvas, netting or other material for the purpose of preventing or reducing wear and tear.

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1964/421 (1964 I, p. 702).

(3) During the period from the day when this Order comes into operation to 31st December 1965 (both days inclusive) nothing in this Article shall be deemed to prohibit the attachment of a piece of netting rectangular in shape to the upperside of the cod-end of a net (not being a seine net) carried by a British fishing boat registered in the United Kingdom for the purpose of fishing for sea-fish in any waters situated north of the area dividing line so long as the piece of netting has in all its parts meshes the dimensions of which, whether the piece of netting is wet or dry, are not less than those of the net to which it is attached: Provided that

- (a) the piece of netting shall in width be at least one-and-a-half times the width of the part of the cod-end which is covered by it, such widths being measured at right angles to the long axis of the cod-end, and
- (b) the piece of netting shall not be fastened to the cod-end except along the forward and lateral edges of the piece of netting and shall be so fastened that
  - (i) if there is a splitting strop, the piece of netting begins at a distance of not more than four of the meshes of the net to which it is attached forward of the splitting strop and ends at a distance of not less than four of such meshes forward of the cod-line mesh, or
  - (ii) if there is no splitting strop, the piece of netting extends for not more than one-third of the length of the cod-end and ends at a distance of not less than four of the meshes of the net to which it is attached forward of the cod-line mesh.

### *Exceptions*

7. In any proceedings in respect of a contravention of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate was being carried solely for the purpose of fishing for *Nephrops norvegicus* (commonly known as Norway lobster or Dublin Bay prawn) in the Irish Sea, where none of the sea-fish taken in the course of the voyage, on which the net to which the proceedings relate was carried, was landed at a place in the United Kingdom other than one bordering upon the Irish Sea.

8. In any proceedings in respect of a contravention of this Order it shall be a sufficient defence to prove that the net to which the proceedings relate was being carried solely for the purpose of fishing for mackerel, clupeoid fish, sand-eels (*Ammodytes*), Norway pout (*Gadus esmarkii*), smelts, eels, great weevvers (*Trachinus draco*), shrimps, prawns, or molluscs (other than squids) either

- (a) in waters of the areas in relation to which the Order has effect north of the area dividing line, or to the south and west respectively of the following lines, that is to say, a line drawn due west from the Mull of Galloway along the parallel of 54 degrees 38 minutes north latitude to the meridian of 42 degrees west longitude and a line drawn from France to England along the meridian of 2 degrees west longitude, or
- (b) in any other waters of the areas in relation to which this Order has effect, and that the net had in its cod-end in all the parts thereof meshes of such dimensions that when any mesh was stretched diagonally lengthwise of the net a flat gauge 50 millimetres broad and 2 millimetres thick would not pass easily through it whether the net was wet or dry.



*Powers of British Sea-Fishery Officers*

9. For the purpose of enforcing the provisions of this Order a British Sea-Fishery Officer may:—

- (1) with respect to any British fishing boat registered in the United Kingdom wherever it may be and with respect to any foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom,
  - (a) go on board the boat ;
  - (b) examine all fishing implements belonging to the boat ;
  - (c) make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Order has been committed ;
- (2) with respect only to a foreign fishing boat within the fishery limits of the British Islands adjacent to the United Kingdom, when it appears to him that a contravention of the provisions of this Order has been committed, may without summons, warrant or other process take the offender and the boat to which he belongs to the nearest or most convenient port and bring him before a competent court and detain him and the boat in the port until the alleged contravention has been adjudicated upon.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th September 1964.

(L.S.)

*Christopher Soames,*  
Minister of Agriculture,  
Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 28th September 1964.

(L.S.)

*Michael Noble,*  
Secretary of State for Scotland.

Given under the Hand of the Secretary of State for the Home Department on 29th September 1964.

*Henry Brooke,*  
Secretary of State for the Home  
Department.

## SCHEDULE 1

Column 1	Column 2	Column 3
Waters	Net	Appropriate width of gauge
Waters of the areas in relation to which this Order has effect north of the area dividing line	Seine net ... ..	100 millimetres
	Such part of any trawl net as is made of cotton, hemp, polyamide fibres or polyester fibres	110 millimetres
	Such part of any trawl net as is made of any other material...	120 millimetres
All other waters of the areas in relation to which this Order has effect	Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal ... ..	70 millimetres
	Such part of any trawl net as is made of double twine and contains no manila or sisal ...	75 millimetres
	Such part of any trawl net as is made of manila or sisal ...	80 millimetres

## SCHEDULE 2

Column 1	Column 2
Net	Appropriate width of gauge
Seine net, or such part of any trawl net as is made of single twine and contains no manila or sisal ...	70 millimetres
Such part of any trawl net as is made of double twine and contains no manila or sisal ... ..	75 millimetres
Such part of any trawl net as is made of manila or sisal ... ..	80 millimetres

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order supersedes the Sea-Fishing Industry (Fishing Nets) Order 1964. It prescribes minimum sizes of mesh for the fishing nets carried by registered British fishing boats in areas specified in the Order and by foreign fishing boats within the fishery limits of the British Islands adjacent to the United Kingdom. The obstruction of the meshes of such nets is prohibited, exceptions being made for underside cod-end chafers and, for a limited period, for topside cod-end chafers in northern waters.

Nets used for fishing for such species as herring and shrimps may have a mesh smaller than the minimum prescribed for other purposes.

The area of the waters in the north for which minimum sizes of mesh are prescribed is extended.

The Order gives British Sea-Fishery Officers powers to enable them to enforce its provisions.

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**STATUTORY INSTRUMENTS**

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**1964 No. 1605 (C. 21) (S. 102)**

**LEGAL AID AND ADVICE, SCOTLAND**

**The Legal Aid Act 1964 (Commencement)  
(Scotland) Order 1964**

*Made - - - - 25th September 1964*

In exercise of the powers conferred upon me by section 6(2) of the Legal Aid Act 1964<sup>(a)</sup>, I hereby make the following order:—

1. This order may be cited as the Legal Aid Act 1964 (Commencement) (Scotland) Order 1964.

2. The Legal Aid Act 1964 shall, in its application to Scotland, come into operation on 1st October 1964.

*Michael Noble,*  
One of Her Majesty's  
Principal Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.

25th September 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This order brings into operation, on 1st October 1964, the Legal Aid Act 1964 in its application to Scotland.

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(a) 1964 c. 30.

1964 No. 1622 (S. 103)

**COURT OF SESSION, SCOTLAND  
SHERIFF COURT, SCOTLAND**

**Act of Sederunt (Legal Aid Rules) 1964**

*Made* . . . . . 1st October 1964  
*Coming into Operation* . . . . . 1st October 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 13 of the Legal Aid (Scotland) Act 1949(a) and section 2 of the Legal Aid Act 1964(b), and of all other powers competent to them in that behalf, do hereby enact and declare as follows:—

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Legal Aid Rules) 1964, and shall come into operation on 1st October 1964.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of this Act of Sederunt as it applies to the interpretation of an Act of Parliament.

(3) In this Act of Sederunt, unless the context otherwise requires:—

“the Act” means the Legal Aid Act 1964(b);

“applicant” means a person applying for an order under the Act;

“application” means an application for an order under the Act;

“Law Society” means the Law Society of Scotland established by the Solicitors (Scotland) Act 1949(a);

“order under the Act” means an order under section 1 of the Act for the payment out of the legal aid fund of the whole or any part of the expenses incurred by a successful unassisted party;

2. An application for an order under the Act shall be made by motion to the court.

3. On an application being made, the court may order the applicant to lodge a statement on oath of his grounds for claiming payment out of the legal aid fund of the whole or any part of the expenses incurred by him, or may dismiss the application forthwith.

4. In the event of an applicant being ordered to lodge his grounds for claiming payment out of the legal aid fund of the whole or any part of the expenses incurred by him, the court shall order intimation of the statement of grounds to be made by the applicant to the Law Society who shall be entitled to be represented at the hearing when the court disposes of the application.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

*J. L. Clyde,*

I.P.D.

Edinburgh.

1st October 1964.

**EXPLANATORY NOTE**

*(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)*

This Act of Sederunt provides for an application for an order under the Legal Aid Act 1964 to be made by motion, and for the lodging of a statement of grounds of claim in certain cases. It declares that the Law Society shall be entitled to be represented at the hearing when the court disposes of the application.

1964 No. 1623 (S. 104)

**COURT OF SESSION, SCOTLAND**

**Act of Sederunt (Rules of Court Amendment No. 3) 1964**

*Made* . . . . . 1st October 1964  
*Coming into Operation* . . . . . 1st October 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Rules of the Court of Session(b) shall be amended as follows:—

(1) By adding after Rule of Court 172A a new Rule of Court as follows:

“ 172B. (a) An application to the Court in terms of section 26(1) of the Succession (Scotland) Act 1964(c) for payment to a pursuer of a capital sum or a periodical allowance or both, or an application for an order varying the terms of a settlement, shall be made either by concluding for the same in the conclusions of the Summons or by a separate minute, and by setting forth in the condescendence of the summons or of the minute a statement of facts in support of the application.

(b) An application to the Court in terms of section 26(3) of the Succession (Scotland) Act 1964 for an order for payment of a periodical allowance, or in terms of section 26(4) of that Act for an order varying or recalling an order for a periodical allowance, shall be made by minute which shall contain a statement of facts in support of the application.

(c) An application for any order under section 26 of the Succession (Scotland) Act 1964 shall specify the nature of the order which the pursuer or minuter seeks to have pronounced by the Court.”

(2) By deleting Rule of Court 178A and by substituting a new Rule of Court as follows:

“ 178A. (a) In any action for divorce, nullity of marriage or separation where the only matter in dispute is the amount of aliment payable by the defender, and in any action of divorce where the only matters in dispute are the amount of such aliment and the nature of any order which the Court should make under section 26(1) of the Succession (Scotland) Act 1964, it shall not be necessary for the defender to lodge defences. Instead the defender shall lodge a minute setting forth as appropriate the amount of aliment which he claims should be payable by him, or the nature of the order which he claims the Court should make, along with a statement of

(a) 23 & 24 Geo. 5. c. 41.

(b) S.I. 1948/1691 (1948 I, p. 3778).

(c) 1964 c. 41.

facts in support of his claim: Provided that where an application for an order under section 26(1), (3) and (4) of the Succession (Scotland) Act 1964 is made by separate minute, the other party shall, if so advised, answer such minute in ordinary form within such time as the Court may allow.

(b) When such a minute as is referred to in the last foregoing paragraph is lodged by a defender, the pursuer may lodge answers thereto within such period as the Court may allow."

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 3) 1964, and shall come into operation on 1st October 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,  
I.P.D.

Edinburgh.  
1st October 1964.

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#### EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)*

This Act of Sederunt amends the Rules of Court by providing procedure for applications for orders under section 26 of the Succession (Scotland) Act 1964.



## 1964 No. 1624

## WAGES COUNCILS

**The Wages Regulation (Boot and Shoe Repairing)  
(Second Amendment) Order 1964**

*Made* . . . . . 5th October 1964

*Coming into Operation* 28th October 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Boot and Shoe Repairing Wages Council (Great Britain) the wages regulation proposals set out in Schedules 1 and 2 hereof;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Boot and Shoe Repairing) (Second Amendment) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 28th October 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in Schedules 1 and 2 hereof shall have effect as from the specified date and as from that date the Wages Regulation (Boot and Shoe Repairing) (Amendment) Order 1964(c), shall cease to have effect.

Signed by order of the Minister of Labour 5th October 1964.

*L. J. Dunnett,*  
Secretary,  
Ministry of Labour.

(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1964/15 (1964 I, p. 9).

## SCHEDULE 1

## STATUTORY MINIMUM REMUNERATION

The Wages Regulation (Boot and Shoe Repairing) Order 1962(a) (Order D. (131)) as amended by the Wages Regulation (Boot and Shoe Repairing) (Amendment) Order 1964(b) (Order D. (134)) shall have effect as if in the Schedule thereto:—

1. for sub-paragraph (2) of paragraph 1 there were substituted the following:—

“(2) In this Schedule, the expressions ‘hourly general minimum time rate’ and ‘hourly guaranteed time rate’ mean respectively the general minimum time rate and the guaranteed time rate applicable to the worker under Part II, Part III or Part IV of this Schedule divided by 42.”

2. for Parts II, III and IV there were substituted the following Parts:—

## “PART II

MALE OR FEMALE WORKERS AGED 21 YEARS OR OVER  
GENERAL MINIMUM TIME RATE AND GUARANTEED TIME  
RATE FOR FOREMEN OR MANAGERS

Per week of  
42 hours

- 3.—(1) The general minimum time rate applicable to all male or female workers aged 21 years or over and employed as foremen or managers is ... .. 209 6
- (2) The guaranteed time rate applicable to the workers specified in sub-paragraph (1) when employed on piece work is ... 209 6
- (3) For the purposes of this paragraph,
- (a) a foreman or manager is a male or female worker who either—
- (i) exercises sole supervisory authority over all journeyworkers who must exceed three in number (excluding himself) working in the same shop or department, or
- (ii) (whether working alone or with any other worker) under the terms of his employment and, in addition to any work which may be required of him as a journeyworker, fits up or supervises the fitting up, of the work and has control of the repairing or making and the technical direction thereof;
- (b) a journeyworker is a male or female worker to whom there applies under this Schedule either a general minimum piece rate or a general minimum time rate of not less than 184s. Od. per week of 42 hours or to whom such a general minimum time rate would be applicable if he were a time worker.

## GENERAL MINIMUM TIME RATES

4. The general minimum time rates applicable to all male or female workers aged 21 years or over, except (i) the foremen or managers specified in paragraph 3 and (ii) learners to whom the minimum rates specified in Part IV of this Schedule apply, are as follows:—

Per week of  
42 hours

- (a) sewing or stitching machine operators employed in operating—
- (i) power sole stitchers or both power sole stitchers and Blake or other sole sewing machines on the Blake principle ... .. 201 6
- (ii) Blake or other sole sewing machines on the Blake principle or edge trimming machines ... .. 195 0

Provided that where the worker, for the purpose of training thereon, is employed on such machines for one probationary period not exceeding four months, the general minimum time rate applicable during the said period shall be ... 187 0

(b) (i) press cutters responsible for cutting and costing ...	200	6		
(ii) press cutters other than those responsible for cutting and costing ...	187	0		
(c) workers employed—				
(i) as makers of bespoke (which term includes surgical) footwear ...	211	0		
(ii) as repairers engaged in sewing down caps, re-welting, welt repairs, linking or any other hand stitching operation ...	191	6		
(iii) in clicking ...	191	6		
(iv) in clicking and closing ...	191	6		
			Male workers	Female workers
			Per week of 42 hours	Per week of 42 hours
(v) as closers (that is, in fitting and machining) in the making of uppers for bespoke (which term includes surgical) footwear and not employed in clicking ...	191	6	s. d.	s. d.
			All workers	
			Per week of 42 hours	
(d) workers employed in altering footwear or on benching or finishing operations (whether performed by hand or machine) in repairing leather footwear ...			s. d.	
				187 0
			Male workers	Female workers
			Per week of 42 hours	Per week of 42 hours
(e) all other workers to whom this paragraph applies ...	184	0	s. d.	s. d.
				132 0

## PART III

MALE OR FEMALE WORKERS AGED UNDER 21 YEARS  
GENERAL MINIMUM TIME RATES AND GUARANTEED TIME RATE

5.—(1) The general minimum time rates applicable to all male or female workers aged under 21 years, being—

- (a) foremen or managers as defined in paragraph 3 (3),
- (b) press cutters responsible for cutting and costing, or
- (c) workers who have worked at least five years in the trade under a contract of apprenticeship,

are the general minimum time rates which would be applicable to those workers under paragraph 3 or 4 if they were aged 21 years or over.

	Per week of 42 hours	
	s. d.	s. d.
(2) The guaranteed time rate applicable to the workers specified in sub-paragraph (1) (a) of this paragraph when employed on piece work is ...	209	6

## GENERAL MINIMUM TIME RATES

6.—(1) The general minimum time rates applicable to all male or female workers aged under 21 years except (i) the workers specified in paragraph 5 and (ii) learners or apprentices to whom the minimum rates specified in Part IV of this Schedule apply are those specified in the following Table.

	Column 1	Column 2	Column 3
	The workers specified in sub-para. (2) of this paragraph	Other male workers	Other female workers
	Per week of 42 hours		
	s. d.	s. d.	s. d.
Aged 20 and under 21 years ... ..	149 6	149 6	117 9
" 19 " " 20 " ... ..	134 6	134 6	105 3
" 18 " " 19 " ... ..	120 6	120 6	94 9
" 17 " " 18 " ... ..	101 3	101 3	81 0
" 16 " " 17 " ... ..	92 3	92 3	72 6
Under 16 years ... ..	85 3	85 3	65 6

(2) The workers referred to in Column 1 of the foregoing Table are male or female workers who are—

- (a) operators of sole stitching, sole sewing or edge trimming machines,
- (b) press cutters not responsible for cutting and costing,
- (c) employed as makers of bespoke (which term includes surgical) footwear,
- (d) repairers engaged in sewing down caps, re-welting, welt repairs, linking or any other hand stitching operation,
- (e) employed in clicking,
- (f) employed in clicking and closing,
- (g) employed in altering footwear or on benching operations (whether performed by hand or machine) in repairing leather footwear, or
- (h) employed in finishing operations (whether performed by hand or machine) in repairing leather footwear.

## PART IV

## GENERAL MINIMUM TIME RATES FOR LEARNERS AND APPRENTICES

## LEARNERS

7.—(1) The following general minimum time rates are applicable to male or female learners employed in accordance with the conditions set out in paragraph 9.

	Learners to bespoke hand sewn making	All other learners
	Per week of 42 hours	
	s. d.	s. d.
Aged under 16 years ... ..	79 9	78 9
" 16 and under 17 years ... ..	85 9	84 9
" 17 " " 18 " ... ..	95 9	94 9
" 18 " " 19 " ... ..	115 0	114 0
" 19 " " 20 " ... ..	129 0	128 0
" 20 " " 21 " ... ..	144 0	143 0

- (2) The general minimum time rate applicable to a learner to bespoke hand sewn making who is aged 21 years or over and who has not completed a period of five years in such learnership shall, until he attains the age of 22 years or until he completes the said period of learnership (whichever period is the less), be the rate applicable to a learner aged 20 and under 21 years, increased by 5s. 0d. weekly.

### APPRENTICES

8. The following general minimum time rates are applicable to male or female apprentices—

(a) who are employed under contracts of apprenticeship in writing to be taught one or more of the following sections of the trade—

- (i) bespoke hand sewn making including hand finishing,
- (ii) boot and shoe repairing in all its operations as performed in the establishment, including benching by hand and by such benching machines as are used in the establishment, hand sewing, re-stitching, re-welting, finishing by hand, by any finishing machine used in the establishment, by hand and such machine, patching by hand, by machine and by solution, and all other upper repairing,
- (iii) clicking (including pattern cutting) and closing (including fitting and machining) of uppers for bespoke work or either of such operations, and

(b) in whose case the conditions specified in paragraph 10 are fulfilled.

							Per week of 42 hours	
							s.	d.
Aged under 16 years	...	...	...	...	...	78	9	
.. 16 and under 17 years	...	...	...	...	...	83	9	
.. 17 .. " 18	...	...	...	...	...	93	9	
.. 18 .. " 19	...	...	...	...	...	112	0	
.. 19 .. " 20	...	...	...	...	...	126	0	
.. 20 .. " 21	...	...	...	...	...	141	0"	

3. for sub-paragraph (d) of paragraph 11 there were substituted the following:—

"(d) in any week, for all time worked in excess of 42 hours, exclusive of any time for which a minimum overtime rate is payable under the foregoing provisions of this paragraph,

- (i) for the first 3 hours so worked ... .. time-and-a-quarter
- (ii) thereafter ... .. time-and-a-half "

4. for sub-paragraph (3) of paragraph 14 there were substituted the following:—

"(3) Subject to the provisions of the next following sub-paragraph the amount of the guaranteed weekly remuneration is as follows:—

(a) in the case of a worker who ordinarily works for the employer on work to which this Schedule applies for at least 42 hours weekly, 32 hours pay calculated at the general minimum time rate ordinarily applicable to the worker, or

(b) in the case of a worker who ordinarily works for the employer for less than 42 but not less than 36 hours weekly on such work, 32/42nds of the amount payable at the said rate for the hours ordinarily worked by the worker in a week for the employer on such work."

5. for Part VIII there were substituted the following Part:—

## "PART VIII

GENERAL MINIMUM PIECE RATES FOR MALE OR  
FEMALE WORKERS

- 16.—(1) The general minimum piece rates applicable to male or female workers employed on repairing are the piece rates set out in Part IX of this Schedule increased by 76 per cent.
- (2) The general minimum piece rates applicable to male or female workers employed on bespoke making are the piece rates set out in Part X of this Schedule increased by 76 per cent."

## SCHEDULE 2

## HOLIDAYS AND HOLIDAY REMUNERATION

The Wages Regulation (Boot and Shoe Repairing) (Holidays) Order 1962(a) (Order D. (132)) shall have effect as if in the Schedule thereto:—

for the definition of "ONE DAY'S HOLIDAY PAY" in paragraph 12 there were substituted the following:—

*"ONE DAY'S HOLIDAY PAY" means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is taken in more than one period at the date of the first period) or at the termination date, as the case may be, for one week's work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime) and if he were paid:—*

- (a) *where the worker is employed as a time worker, the amount which the worker would be entitled to receive from the employer under the arrangement current immediately prior to the holiday;*
- (b) *where the worker is employed as a piece worker, a time rate equal to the hourly general minimum time rate applicable to the worker (or which would be applicable if he were a time worker) increased by 10 per cent., for work to which statutory minimum remuneration applies and at the same rate (increased as aforesaid) for any work for the same employer to which such remuneration does not apply;*

*and in this definition 'appropriate proportion' means—*

*where the worker's normal working week is 6 days — one-sixth*  
 " " " " " " " " 5 " — *one-fifth*  
 " " " " " " " " 4 " — *one-quarter*  
 " " " " " " " " 3 " — *one-third*  
 " " " " " " " " 2 " — *one-half*  
 " " " " " " " " 1 day — *the whole.*"

(a) S.I. 1962/2204 (1962 III, p. 2991).

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order has effect from 28th October 1964. Schedule 1 amends the Wages Regulation (Boot and Shoe Repairing) Order 1962 (Order D. (131)) as amended by the Wages Regulation (Boot and Shoe Repairing) (Amendment) Order 1964 (Order D. (134)), by reducing the number of hours to be worked before overtime is payable from 43 to 42 per week and by increasing the percentage addition to the general minimum piece rates. Subject to these amendments the rates of remuneration fixed by Order D. (134) are reproduced in this Order and Order D. (134) accordingly ceases to have effect.

Schedule 2 amends the Wages Regulation (Boot and Shoe Repairing) (Holidays) Order 1962 (Order D. (132)) by varying the rate at which annual holiday remuneration is to be paid.

New provisions are printed in italics.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1633

## WAGES COUNCILS

**The Wages Regulation (Milk Distributive) (England and Wales) Order 1964**

Made - - - - 6th October 1964

Coming into Operation 1st November 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Milk Distributive Wages Council (England and Wales) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Milk Distributive) (England and Wales) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 1st November 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Milk Distributive) (England and Wales) Order 1963(c), shall cease to have effect.

Signed by order of the Minister of Labour.

6th October 1964.

*L. J. Dunnett,*  
Secretary,  
Ministry of Labour.

## ARRANGEMENT OF SCHEDULE

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(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/604 (1963 I, p. 704).



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## SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and the provisions as to holidays and holiday remuneration fixed by the Wages Regulation (Milk Distributive) (England and Wales) Order 1963(a) (Order M.D. (101)).

## PART I

## STATUTORY MINIMUM REMUNERATION

## GENERAL

1.—(1) *The minimum remuneration payable to a worker to whom this Schedule applies is the sum of the amounts calculated in accordance with the provisions of (a) (i) or (a) (ii) and (b) and (c) below:—*

(a) *For all work except overtime,*

(i) *in the case of a time worker, the amount yielded by the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ; or,*

(ii) *in the case of a worker employed on piece work, the amount yielded by piece rates, each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker ;*

(b) *For all overtime including work on a customary holiday and any waiting time, the amount payable under paragraphs 5, 6, 7, 8 and 9 ; and*

(c) *Any further amount payable under paragraph 10.*

(2) *In this Schedule the expression "hourly general minimum time rate" means the general minimum time rate applicable to the worker under the provisions of paragraphs 2, 3 and 4 divided by 42.*

(a) S.I. 1963/604 (1963 I, p. 704).

## GENERAL MINIMUM TIME RATES

## MALE WORKERS

2. The general minimum time rates applicable to male workers employed in Area A, Area B or Area C are respectively as follows:—

	Area A		Area B		Area C	
	Per week		Per week		Per week	
	s.	d.	s.	d.	s.	d.
(1) Foreman ... ..	203	0	208	6	215	0
(2) Sterilizers (other than assistant sterilizers), being workers aged 21 years or over ...	189	0	192	0	196	0
(3) Clerks, being workers aged:—						
21 years or over ... ..	189	0	192	0	196	0
20 and under 21 years ... ..	165	6	168	0	171	6
19 " " 20 " " ... ..	151	0	153	6	157	0
18 " " 19 " " ... ..	137	0	139	0	142	0
17 " " 18 " " ... ..	113	6	115	0	117	6
16 " " 17 " " ... ..	99	0	101	0	103	0
Under 16 years ... ..	90	0	91	0	93	0
(4) Rounds Salesmen, being workers aged:—						
21 years or over ... ..	194	0	196	6	200	6
20 and under 21 years ... ..	174	6	177	0	180	6
19 " " 20 " " ... ..	160	0	162	0	165	6
18 " " 19 " " ... ..	145	6	147	6	150	6
Under 18 years ... ..	126	0	127	6	130	6
(5) Shop Assistants, Assistant Rounds Salesmen, Pasteurizers, Assistant Sterilizers, and Any Other Workers not specified in the foregoing provisions of this Table, being workers aged:—						
21 years or over ... ..	184	6	187	0	191	0
20 and under 21 years ... ..	161	6	163	6	167	0
19 " " 20 " " ... ..	147	6	149	6	153	0
18 " " 19 " " ... ..	134	0	135	6	138	6
17 " " 18 " " ... ..	110	6	112	0	114	6
16 " " 17 " " ... ..	97	0	98	0	100	6
Under 16 years ... ..	87	6	89	0	90	6

## FEMALE WORKERS

3. The general minimum time rates applicable to female workers employed in Area A, Area B or Area C are respectively as follows:—

	Area A	Area B	Area C
	Per week	Per week	Per week
	s. d.	s. d.	s. d.
(1) Rounds Saleswomen, being workers aged:—			
21 years or over ... ..	180 6	182 3	188 0
20 and under 21 years ... ..	162 6	164 0	169 0
19 " " 20 " ... ..	149 0	150 6	155 0
18 " " 19 " ... ..	135 6	136 6	141 0
Under 18 years ... ..	117 6	118 6	122 0
(2) Clerks, being workers aged:—			
21 years or over ... ..	139 6	140 0	146 6
20 and under 21 years ... ..	129 0	129 6	135 6
19 " " 20 " ... ..	118 6	119 0	124 6
18 " " 19 " ... ..	108 0	108 6	113 6
17 " " 18 " ... ..	94 0	94 6	99 0
16 " " 17 " ... ..	83 6	84 0	88 0
Under 16 years ... ..	73 0	73 6	77 0
(3) All Other Workers, being workers aged:—			
21 years or over ... ..	140 0	141 6	145 6
20 and under 21 years ... ..	129 6	131 0	134 6
19 " " 20 " ... ..	119 0	120 6	123 6
18 " " 19 " ... ..	108 6	109 6	113 0
17 " " 18 " ... ..	94 6	95 6	98 0
16 " " 17 " ... ..	84 0	85 0	87 0
Under 16 years ... ..	73 6	74 6	76 6

## MALE OR FEMALE WORKERS IN TWO OR MORE AREAS

4. The general minimum time rate applicable to any worker in any week in which he works in Area A, Area B and Area C or in any two of those areas is:—

- (1) in the case of a rounds salesman or rounds saleswoman, the rate which would be applicable if he worked solely in that Area in which is served the majority of the customers on his round;
- (2) in the case of any other worker, the rate which would be applicable if he worked solely at his depot.

## OVERTIME, WORK ON A CUSTOMARY HOLIDAY AND WAITING TIME

## OVERTIME

5. Subject to the provisions of paragraph 9, the following minimum remuneration is payable to any worker for overtime:—

- (1) On any week day, not being a rest day or a customary holiday, for all time worked in excess of 8½ hours ... .. time-and-a-half

- (2) *On a Sunday, not being a rest day or a customary holiday—*
- (a) *for any time worked not exceeding 5 hours ... time-and-a-half for 5 hours*
- (b) *for all time worked in excess of 5 hours ... time-and-a-half*
- (3) *On a Sunday, being also a rest day but not being a customary holiday—*
- (a) *for any time worked not exceeding 6 hours ... double time for 6 hours*
- (b) *for all time worked in excess of 6 hours ... double time*
- (4) *On a rest day, not being a Sunday or a customary holiday, for all time worked ... .. . . . time-and-a-half*

#### WORK ON A CUSTOMARY HOLIDAY

6. *Subject to the provisions of paragraphs 7 and 9, the following minimum remuneration is payable for work on a customary holiday :—*

(1) *To any worker who normally works for an employer for not less than 21 hours per week—*

(a) *On a customary holiday not being the worker's rest day—*

(i) *for any time worked not exceeding 6 hours double time for 6 hours*

(ii) *for all time worked in excess of 6 hours ... double time*

(b) *On a customary holiday being also the worker's rest day—*

(i) *for any time worked not exceeding 6 hours treble time for 6 hours*

(ii) *for all time worked in excess of 6 hours treble time*

(2) *To all other workers—*

*for all time worked ... .. . . . double time*

7. *Where a worker to whom the provisions of paragraph 11 apply is required to work on a customary holiday, and it is mutually agreed between the employer and the worker (in accordance with the provisions of subparagraph (4) of paragraph 11) that a holiday in lieu of the customary holiday shall not be allowed to the worker, the minimum remuneration payable to the worker in respect of work on that day shall be :—*

(1) *the amount to which the worker is entitled in accordance with the provisions of paragraph 6 for working on a customary holiday,*

*and in addition,*

(2) *an amount equal to the holiday remuneration to which the worker would have been entitled under the provisions of paragraph 15 had he been allowed a holiday on that day.*

## WAITING TIME

- 8.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer, unless he is present thereon in any of the following circumstances—
- (a) without the employer's consent, express or implied ;
  - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
  - (c) by reason only of the fact that he is resident thereon ;
  - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.

## OVERTIME BEING NIGHT WORK

- 9.—(1) In the application of the provisions of paragraphs 5, 6 and 7 to a worker to whom an additional minimum time rate is payable for night work under the provisions of paragraph 10—
- (a) the minimum remuneration for overtime shall be payable only in respect of hours of overtime within the same turn of duty and
  - (b) a day shall be deemed to be any period of 24 hours commencing at noon.
- (2) Where a worker is ordinarily employed on a spell of duty which starts before and ends after midnight the provisions of paragraphs 6 and 7 shall be applicable to time worked during the period of 24 hours commencing at noon on the day prior to the customary holiday.

## ADDITIONAL MINIMUM REMUNERATION

## NIGHT WORK

10. In addition to the minimum remuneration payable to a worker under paragraphs 5, 6, 7, 8 and 9, minimum remuneration at the rate of 8d. per hour is payable to a worker for any time worked between the hours of 9 p.m. and 5 a.m.:

Provided that where a worker commences a spell of work between the hours of 9 p.m. and 5 a.m. and works for less than 4 hours between those hours he shall be paid as remuneration under this paragraph the sum of 2s. 8d. instead of at the rate of 8d. per hour.

## PART II

## HOLIDAYS AND HOLIDAY REMUNERATION

## CUSTOMARY HOLIDAYS

- 11.—(1) Subject to the provisions of this paragraph, and, except in the circumstances provided for in sub-paragraph (3) of this paragraph, the employer shall in each year on the days specified in the next following sub-paragraph or in sub-paragraph (5) of this paragraph as the case may be allow a holiday (hereinafter referred to as a "customary holiday") to any worker in his employment who—

- (a) *normally works for the employer for not less than 21 hours a week, and*
- (b) *unless excused by the employer or absent by reason of proved illness or injury of the worker, worked for the employer throughout the last working day on which work was available to him immediately prior to the customary holiday.*
- (2) The said customary holidays are Christmas Day, Boxing Day, Good Friday, Easter Monday, Whit Monday, *August Bank Holiday* and any day proclaimed as an additional Bank Holiday or as a public holiday, or where it is the custom in any locality instead of any of the said days to observe some other day as a holiday each such other day shall, for the purposes of this Schedule be treated in that locality as a customary holiday instead of the day for which it is substituted.
- (3) Notwithstanding the preceding provisions of this paragraph, an employer may (except where in the case of a woman or young person such a requirement would be unlawful) require a worker who is otherwise entitled to any customary holiday under the preceding provisions of this paragraph to work thereon and, in lieu of any customary holiday on which he so works, the employer shall (except in the case provided for in sub-paragraph (4) of this paragraph) allow to the worker a day's holiday (hereinafter referred to as "a holiday in lieu of a customary holiday") on a week day being:—
- (a) a day mutually agreed between the employer and the worker, and
- (b) *a day on which the worker would normally work and*
- (c) *a day before the commencement of the next holiday season or before the commencement of the holiday season in the next succeeding year:*
- Provided that in the absence of agreement between the employer and the worker a holiday in lieu of a customary holiday shall be allowed on the last day on which the worker would normally work prior to the commencement of the next holiday season or as the case may require the holiday season in the next succeeding year.*
- (4) Where a worker otherwise entitled to be allowed a customary holiday or holiday in lieu thereof under the foregoing provisions of this paragraph, is required to work on a customary holiday and it is mutually agreed between the employer and the worker before the customary holiday on which the worker works (for which he is to receive not less than the remuneration calculated in accordance with paragraph 7) that a holiday in lieu thereof shall not be allowed, the employer shall not be required to allow the worker a holiday in lieu of the customary holiday.
- (5) Where a worker is ordinarily employed on a spell of duty which starts before and ends after midnight, he shall be allowed—
- (a) as a customary holiday in his case the period of 24 hours commencing at noon on the day prior to the customary holiday;
- (b) as a holiday in lieu of a customary holiday a period of 24 hours commencing at noon.

### ANNUAL HOLIDAY

- 12.—(1) Subject to the provisions of this paragraph, an employer shall, between 1st April 1965 and 31st October 1965, and in each succeeding year between 1st April and 31st October allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who was employed by him during the 12 months immediately preceding the commencement of the holiday season for any one of the periods of

employment set out in the Table below and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment		Duration of annual holiday where the worker's normal working week is:—		
		5 days	4 days	3 days
At least	5 weeks but less than	6	1 day	—
”	”	6	1	—
”	”	7	1	—
”	”	8	1	1 day
”	”	10	2 days	1
”	”	11	2	1
”	”	12	2	1
”	”	14	2	1
”	”	15	3	1
”	”	16	3	2 days
”	”	18	3	2
”	”	20	4	2
”	”	21	4	2
”	”	24	4	3
”	”	25	4	3
”	”	28	1 normal working week	4
”	”	30	1	4
”	”	32	1	5
”	”	35	1	5
”	”	36	1	5
”	”	39	1	6
”	”	40	1	6
”	”	42	1	6
”	”	44	1	7
”	”	45	1	7
”	”	46	1	7
”	”	48	1	7
”	”	49	1	8
”	”	50	1	8
”	”	50	2 normal working weeks	8

(2) In this Schedule the expression “holiday season” means in relation to an annual holiday during the year 1965, the period commencing on 1st April 1965, and ending on 31st October 1965, and in relation to each subsequent year, the period commencing on 1st April and ending on 31st October in that year.

(3) Notwithstanding the provisions of sub-paragraph (1) of this paragraph:—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week;

(b) where before the expiration of any holiday season a worker enters into an agreement in writing with his employer that the annual holiday or part thereof shall be allowed on a specified date or dates after the expiration of the holiday season but before the commencement of the next following holiday season, then any day or days of annual holiday so allowed shall for the purposes of this Schedule be treated as having been allowed during the holiday season.

(4) A night worker shall be allowed as a day of annual holiday in his case, a period of 24 hours commencing at noon.

13.—(1) An annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer, and days of annual holiday shall be treated as consecutive notwithstanding the intervention of a customary holiday on which the worker is not required to work or of some other holiday :

Provided that where the number of days of annual holiday for which a worker has qualified exceeds the number of days constituting his normal working week, the holiday may at the written request of the worker and with the agreement of the employer be allowed in two periods of consecutive working days ; so however that when a holiday is so allowed, one of the periods shall consist of a number of such days not less than the number of days constituting the worker's normal working week.

(2) A day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959.

14. An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

### HOLIDAY REMUNERATION

15.—(1) (a) *Subject to the provisions of this paragraph, for each customary holiday or day in lieu of a customary holiday, which a worker is entitled to be allowed under this Schedule, he shall be paid by the employer one day's holiday pay as defined in paragraph 20 :*

Provided, however, that payment of the above-mentioned remuneration is subject to the condition that the worker presents himself for employment at the usual starting hour on the first working day following the holiday or day in lieu, or, if he fails to do so, failure is by reason of the proved illness or injury of the worker or with the consent of the employer, and

Provided also that when two customary holidays on both of which the worker is not required to work occur on successive days or so that no working day intervenes, the above proviso shall apply only to the second customary holiday.

(b) Subject to the provisions of this paragraph, holiday remuneration in respect of any customary holiday or day in lieu of a customary holiday shall be paid by the employer to the worker on the pay day on which the wages for the first working day following the holiday or day in lieu are paid :

Provided that if a worker ceases to be employed before being allowed a holiday in lieu of a customary holiday to which he is entitled the said payment shall be made immediately upon the termination of his employment.

(2) Subject to the provisions of paragraph 16, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer, on the last pay day preceding such annual holiday, one day's holiday pay as defined in paragraph 20 in respect of each day thereof.

(3) Where under the provisions of paragraph 13 an annual holiday is allowed in more than one period the holiday remuneration shall be apportioned accordingly.



16. Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 17 of this Schedule or with Order M.D. (101) in respect of employment during any of the periods referred to in that paragraph or that Order respectively, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order M.D. (101).

#### ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

17. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereinafter referred to as "the termination date"), pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment in the 12 months up to the end of the preceding March, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified, except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
  - (2) in respect of any employment since the end of the preceding March, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it:

Provided that—

- (a) no worker shall be entitled to the payment by his employer of accrued holiday remuneration if he is dismissed on the grounds of misconduct and is so informed by the employer at the time of dismissal;
- (b) where a worker is employed under a contract of service under which he is required to give not less than one week's notice before terminating his employment and the worker without the consent of his employer terminates his employment:—

(i) without having given not less than one week's notice, or

(ii) before one week has expired from the beginning of such notice,

the amount of accrued holiday remuneration payable to the worker shall be the amount payable under the foregoing provisions of this paragraph, less an amount equal to one day's holiday pay multiplied, in the case of (i), by the number of days constituting the worker's normal working week or, in the case of (ii), by the number of days which at the termination date would complete a normal working week commencing at the beginning of the notice.

#### CALCULATION OF EMPLOYMENT

18. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated—
- (1) as if he were employed for a week in respect of any week in which—
    - (a) he has worked for the employer for not less than 21 hours and has performed some work for which statutory minimum remuneration is payable; or
    - (b) he has worked for the employer for less than 21 hours, or has performed no work, solely by reason of the proved illness of or accident to the worker (provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed eight in any such period as aforesaid); and

- (2) as if he were employed on any day of annual holiday allowed under the provisions of this Schedule and for the purpose of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer for the number of hours ordinarily worked by him on that day of the week on work for which statutory minimum remuneration is payable.

### OTHER HOLIDAY AGREEMENTS

19. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

### PART III

#### GENERAL

#### DEFINITIONS

20. In this Schedule, the following expressions have the meanings hereby assigned to them respectively, that is to say—

- (1) "*AREA A*" comprises—

(a) *each area in England and Wales which is administered by a Rural District Council ; and*

(b) *each area in England and Wales which at the date of the 1961 census was administered by a Municipal Borough Council or an Urban District Council and which, according to the census had a population not exceeding 10,000,*

*but does not include any area within the Metropolitan Police District as existing on 1st May 1964.*

- (2) "*AREA B*" comprises the whole of England and Wales other than *Area A* and *Area C*.

- (3) "*AREA C*" comprises the *City of London* and the *Metropolitan Police District* as existing on 1st May 1964.

- (4) "*CLERK*" means a person employed, wholly or mainly, on clerical work.

- (5) "*CUSTOMARY HOLIDAY*" has the meaning assigned to it in sub-paragraph (2) of paragraph 11.

- (6) "*FOREMAN*" means a person to whom is deputed the duty of exercising supervisory authority over workers exceeding 5 in number (exclusive of the foreman).

- (7) "*HOURLY GENERAL MINIMUM TIME RATE*" has the meaning assigned to it in sub-paragraph (2) of paragraph 1.

- (8) "*NIGHT WORKER*" means a worker who is ordinarily employed on a spell of duty which starts before and ends after midnight

- (9) "*NORMAL WORKING WEEK*" means :—

(a) *in the case of a rota worker the total number of days (excluding rest days) on which the worker has ordinarily worked for the employer during the periods of rota during the 12 months immediately preceding the commencement of the holiday season, or where under paragraph 17 accrued holiday remuneration is payable, during the 12 months immediately preceding the termination date, divided by the total number of weeks in the said periods of rota ;*

(b) in the case of any other worker the number of days (excluding rest days) on which it has been usual for the worker to work for the employer in a week during the 12 months immediately preceding the commencement of the holiday season, or where under paragraph 17 accrued holiday remuneration is payable, during the 12 months immediately preceding the termination date: provided that in either case—

(i) for the purpose of calculating the normal working week part of a day shall count as a day;

(ii) except in the case of a rota worker's rest days, no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed;

(iii) in the case of a night worker a day is a period of 24 hours commencing at noon.

(10) "ONE DAY'S HOLIDAY PAY" means, where the worker's normal working week is:—

5 days—one-fifth of  
4 days—one-quarter of  
3 days—one-third of

the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday or at the termination date, as the case may be, for work for which statutory minimum remuneration is payable, either:—

(a) for the number of hours normally worked by him for the employer in his normal working week, or

(b) for 42 hours, whichever number of hours is the less, if paid at the appropriate hourly general minimum time rate for that number of hours work.

(11) "OVERTIME" means work for which minimum remuneration is payable under paragraphs 5, 6, 7 and 8.

(12) "REST DAYS" means two days in each week which have been notified to the worker by the employer before the commencement of the week as rest days, or, failing such notification, the last two days in the week; and "REST DAY" means one of these days:

Provided that in the case of a rota worker "REST DAYS" means any such days calculated at the rate of two days for each week in the period of rota.

(13) "ROTA WORKER" means a worker employed under an agreement which provides that his rest days should be taken according to a rota over a period not exceeding 12 weeks.

(14) "ROUNDS SALESMAN" or "ROUNDS SALESWOMAN" means a person who is employed, wholly or mainly, as a salesman on a defined or established route, and is responsible for keeping account of his retail sales to customers and of any cash or tokens received in payment and is not accompanied, save in exceptional circumstances, by any other person who exercises control or supervision.

(15) "SHOP ASSISTANT" means a person employed, wholly or mainly, in a shop in serving customers or in checking in and out or in both such operations.

(16) "SPELL OF DUTY" means a period of work broken only by intervals for meals.

(17) "STATUTORY MINIMUM REMUNERATION" means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Milk Distributive Wages Council (England and Wales).

- (18) "TIME-AND-A-HALF", "DOUBLE TIME" and "TREBLE TIME" mean respectively one and a half times, twice and three times the hourly general minimum time rate (exclusive of any amount payable under paragraph 10 in respect of time worked between 9 p.m. and 5 a.m.) which would be payable to the worker for work other than overtime.
- (19) "WEEK" means pay week.

### WORKERS TO WHOM THE SCHEDULE APPLIES

21. This Schedule applies to workers in relation to whom the Milk Distributive Wages Council (England and Wales) operates, that is to say, workers employed in England and Wales in the trade specified in the Schedule to the Trade Boards (Milk Distributive Trade, England and Wales) (Constitution and Proceedings) Regulations 1928(a), which reads as follows:—
- "1. Subject as hereinafter provided, the Milk Distributive Trade shall consist of the following operations:—
- (i) the wholesale and retail sale of milk ;
  - (ii) the sale of other goods by workers mainly employed in the sale specified in paragraph 1 (i) hereof ;
  - (iii) all work incidental to the sale specified in paragraph 1 (i) hereof.
2. Work incidental to the sale specified in paragraph 1 (i) hereof shall include, *inter alia* :—
- (a) collecting, delivering, despatching ;
  - (b) pasteurising, sterilising, homogenising, humanising, cooling, separating and all work performed in connection with any other processes in the preparation of milk ;
  - (c) blending, testing and sampling of milk ;
  - (d) cleaning of utensils, receptacles, vehicles, premises, plant, machinery ;
  - (e) stoking, attending to boiler, plant or machinery, fire lighting, portering of coal or other fuel ;
  - (f) horse keeping and harness cleaning ;
  - (g) portering, lift or hoist-operating, time-keeping, storing, stock-keeping warehousing ;
  - (h) boxing, parcelling, labelling, weighing, measuring, checking, bottling, packing and unpacking ;
  - (i) clerical work or canvassing carried on in conjunction with the work specified in paragraph 1 hereof.
3. Notwithstanding any of the foregoing provisions, the Milk Distributive Trade shall not include any of the following operations:—
- (a) the wholesale sale of milk (and operations incidental thereto) from an establishment at which milk products are manufactured and from which unseparated milk is not ordinarily sold as such ;
  - (b) the wholesale sale of milk direct from the farm where the milk was produced and all operations incidental thereto ;
  - (c) the sale of milk in restaurants, shops or similar premises by waiters or shop assistants who are not mainly engaged upon such sale ;
  - (d) the transport of goods by common carriers ;
  - (e) carting and operations incidental thereto where the business carried on consists exclusively of such operations ;
  - (f) work done by or on behalf of the Post Office.
4. For the purpose of this Schedule the expression 'milk' means milk other than dried or condensed milk."

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 1st November 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed to workers in substitution for the statutory minimum remuneration fixed by the Wages Regulation (Milk Distributive) (England and Wales) Order 1963 (Order M.D. (101)), which is revoked.

New provisions are printed in italics.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1636 (C. 22) (S. 106)

**LEGAL AID AND ADVICE, SCOTLAND**

**The Legal Aid (Scotland) Act 1949 (Commencement)  
(No. 7) Order 1964**

Made - - - - 8th October 1964

In exercise of the powers conferred on me by section 17(4) of the Legal Aid (Scotland) Act 1949(a), I hereby make the following Order:—

1. This Order may be cited as the Legal Aid (Scotland) Act 1949 (Commencement) (No. 7) Order 1964.

2. The following provisions of the said Act, as amended by the Criminal Justice (Scotland) Act 1963(b), shall come into operation on 19th October 1964, that is to say:

- (a) sections 1 and 2, subsections (3) to (7) of section 6, sections 14 to 16 and Schedules 1 and 3 in so far as they provide for and relate to legal aid in connection with criminal proceedings in the High Court of Justiciary, the sheriff court and juvenile courts constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937(c);
- (b) subsections (1), (2) and (4) of section 17 in so far as they relate to the provisions of the said Act hereby brought into operation;
- (c) subsections (3) and (5) of section 17 and Part I of Schedule 8 in so far as they repeal any enactment providing for the representation of poor persons in such proceedings as aforesaid.

*Michael Noble,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.

8th October 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order brings into operation on 19th October 1964 the provisions of the Legal Aid (Scotland) Act 1949 (as amended by the Criminal Justice (Scotland) Act 1963) which are necessary to enable the operation as from that date of legal aid in connection with criminal proceedings in the High Court of Justiciary, the sheriff court and specially constituted juvenile courts.

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(a) 12, 13 & 14 Geo. 6. c. 63. (b) 1963 c. 39. (c) 1 Edw. 8 & 1 Geo. 6. c. 37.

1964 No. 1637

**WAGES COUNCILS**

**The Wages Regulation (Keg and Drum) (Holidays) Order 1964**

*Made* . . . . . 7th October 1964  
*Coming into Operation* . . . . . 26th October 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Keg and Drum Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Keg and Drum) (Holidays) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 26th October 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Keg and Drum) (Holidays) Order 1959(c), shall cease to have effect.

Signed by order of the Minister of Labour, 7th October 1964.

*L. J. Dunnett,*  
 Secretary,  
 Ministry of Labour.

**SCHEDULE**

The following provisions as to holidays and holiday remuneration shall be substituted for the provisions as to holidays and holiday remuneration set out in the Wages Regulation (Keg and Drum) (Holidays) Order 1959 (hereinafter referred to as "Order K.D. (60)").

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(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1959/1106 (1959 II, p. 2871).

**PART I**  
**APPLICATION**

1. This Schedule applies to every worker for whom statutory minimum remuneration has been fixed.

**PART II**  
**CUSTOMARY HOLIDAYS**

2.—(1) An employer shall allow every worker in his employment to whom this Schedule applies a holiday (hereinafter referred to as a “customary holiday”) in each year on the days specified in the following sub-paragraph provided that the worker was in his employment on the day immediately preceding the customary holiday and (unless excused by the employer or absent by reason of the proved illness of the worker) has worked for the employer throughout the last working day on which work was available to him immediately preceding the customary holiday.

(2) The said customary holidays are—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday ;

(ii) In Scotland—

New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday) ;

the local Spring holiday ;

the local Autumn holiday ; and

three other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(3) Where in England and Wales, Christmas Day or Boxing Day, or in Scotland, New Year's Day (or any day substituted for any one of these days under the provisions of (b) of sub-paragraph (2) of this paragraph) falls on a Saturday, the employer shall allow—

(a) to a worker who normally works for the employer on five days a week but does not normally work for him on a Saturday, instead of the customary holiday, a holiday on a day on which the worker normally works for the employer during the week immediately following the customary holiday ;

(b) to a worker who normally works for the employer on six days a week (including Saturday) but normally works on a Saturday for not more than 4½ hours exclusive of overtime, in addition to the customary holiday a holiday on a Saturday during the two weeks immediately following the customary holiday :

Provided that a worker shall not be entitled to a holiday in pursuance of this sub-paragraph—

(i) if he is not qualified under sub-paragraph (1) of this paragraph to be allowed the customary holiday and would not be so qualified if he normally worked for the employer on a Saturday ;



or (ii) if, in the case of a worker to whom (a) of this sub-paragraph applies, he has been allowed a day of holiday (not being a customary holiday or a day of annual holiday) on a day on which he would normally work for the employer in the week immediately preceding the customary holiday and has been paid for that holiday not less than the amount to which he would have been entitled had the day been a customary holiday allowed to him under sub-paragraph (1) of this paragraph ;

or (iii) if, in the case of a worker to whom (b) of this sub-paragraph applies, he has been allowed not less than 4½ hours off from work during his normal working hours on a day on which he would normally work for the employer (not being a customary holiday or a day of annual holiday) in the week immediately preceding or in the week immediately following the customary holiday and has been paid in respect of the hours off so allowed to him not less than the appropriate rate of statutory minimum remuneration to which he would have been entitled if he had worked throughout those hours on his usual work.

(4) Notwithstanding the provisions of sub-paragraph (1) of this paragraph, an employer may (unless it is not lawful for him to do so) require a worker who is otherwise qualified to be allowed a customary holiday to work thereon and where he does so the employer shall allow the worker a day's holiday (hereinafter referred to as a "holiday in lieu of a customary holiday") on a day on which he normally works for the employer within the three weeks immediately following the customary holiday.

### PART III

#### ANNUAL HOLIDAY

3.—(1) In addition to the holidays specified in Part II of this Schedule and subject to the provisions of paragraph 4, an employer shall, between the date on which this Schedule becomes effective and 31st October 1964, and in each succeeding year between 1st April and 31st October, allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment to whom this Schedule applies who has been employed by him during the 12 months immediately preceding the commencement of the holiday season for any of the periods of employment specified below, and the duration of the annual holiday shall in the case of each such worker be related to that period as follows:—

Period of employment	Duration of annual holiday for workers with a normal working week of—		
	Six days	Five days	Four days or less
Column 1	Column 2	Column 3	Column 4
At least 48 weeks ... ..	13 days	11 days	9 days
" " 44 " ... ..	11 "	9 "	7 "
" " 40 " ... ..	10 "	8 "	6 "
" " 36 " ... ..	9 "	7 "	6 "
" " 32 " ... ..	8 "	6 "	5 "
" " 28 " ... ..	7 "	5 "	4 "
" " 24 " ... ..	6 "	5 "	4 "
" " 20 " ... ..	5 "	4 "	3 "
" " 16 " ... ..	4 "	3 "	2 "
" " 12 " ... ..	3 "	2 "	2 "
" " 8 " ... ..	2 "	1 day	1 day
" " 4 " ... ..	1 day	1 "	—

## (2) Notwithstanding the provisions of the last foregoing sub-paragraph—

(a) the number of days of annual holiday which an employer is required to allow to a worker in any holiday season shall not exceed in the aggregate twice the number of days constituting the worker's normal working week, *plus one day* ;

(b) the duration of the worker's annual holiday in the holiday season in 1964 shall be reduced by any days of annual holiday duly allowed to him by the employer under the provisions of Order K.D. (60) between 1st April 1964 and the date on which the provisions of this Schedule become effective.

4.—(1) An annual holiday shall be allowed on consecutive working days, being days on which the worker is normally called upon to work for the employer, and days of annual holiday shall be treated as consecutive notwithstanding that a Sunday, or a day of holiday allowed under Part II of this Schedule, intervenes:

Provided that where the duration of an annual holiday which an employer is required to allow to a worker exceeds the number of days constituting the worker's normal working week the said holiday may be allowed in *three* separate periods of such consecutive working days, and in that event, notwithstanding the foregoing provisions of this Schedule, the annual holiday shall be allowed as follows:—

(a) as to one period, not being less than the period constituting the worker's normal working week, during the holiday season ;

(b) as to a second period during the holiday season or within the period ending on 31st March immediately following the holiday season ; and

(c) *as to the additional day referred to in sub-paragraph (2)(a) of paragraph 3, on a day to be fixed by the employer, either during the holiday season or within the period ending on 31st March immediately following the holiday season.*

(2) Subject to the provisions of sub-paragraph (1) of this paragraph, any day of annual holiday under this Schedule may be allowed on a day on which the worker is entitled to a day of holiday or to a half-holiday under any enactment other than the Wages Councils Act 1959.

5. An employer shall give to a worker reasonable notice of the commencing date or dates and duration of the period or periods of his annual holiday. Such notice may be given individually to the worker or by the posting of a notice in the place where the worker is employed.

## PART IV

### HOLIDAY REMUNERATION

#### A—CUSTOMARY HOLIDAYS AND HOLIDAYS IN LIEU OF CUSTOMARY HOLIDAYS

6.—(1) Subject to the provisions of this paragraph, for each day of holiday which a worker is allowed under Part II of this Schedule he shall be paid by the employer holiday remuneration equal to the amount to which he would have been entitled, calculated at the general minimum time rate applicable to the worker (or which would be applicable if he were a time worker) increased by ten per cent., if the day had not been a day of holiday and he had been employed on work entitling him to statutory minimum remuneration for the time normally worked by him on that day of the week:

Provided that payment of the said holiday remuneration is subject to the condition that the worker (unless excused by the employer or absent by reason of the proved illness of the worker) presents himself for employment at the usual commencing hour on the first working day following the holiday and works his normal hours of work on that day.

- (2) Holiday remuneration in respect of any holiday allowed under Part II of this Schedule shall be paid to the worker not later than the pay day on which the wages are paid for the first working day following the holiday:

Provided that where a worker ceases to be employed before being allowed a holiday in lieu of a customary holiday or a holiday under sub-paragraph (3) of paragraph 2, he shall be paid the holiday remuneration for that day immediately upon the termination of his employment and in such a case the condition contained in the proviso to sub-paragraph (1) of this paragraph shall not apply.

### B—ANNUAL HOLIDAY

- 7.—(1) Subject to the provisions of paragraph 8, a worker qualified to be allowed an annual holiday under this Schedule shall be paid by his employer in respect thereof, on the last pay day preceding such annual holiday, one day's holiday pay (as defined in paragraph 11) in respect of each day thereof.
- (2) Where under the provisions of paragraph 4 an annual holiday is allowed in more than one period, the holiday remuneration shall be apportioned accordingly.
8. Where any accrued holiday remuneration has been paid by the employer to the worker in accordance with paragraph 9 of this Schedule or with Order K.D. (60) in respect of employment during any of the periods referred to in that paragraph or that Order, the amount of holiday remuneration payable by the employer in respect of any annual holiday for which the worker has qualified by reason of employment during the said period shall be reduced by the amount of the said accrued holiday remuneration unless that remuneration has been deducted from a previous payment of holiday remuneration made under the provisions of this Schedule or of Order K.D. (60).

### ACCRUED HOLIDAY REMUNERATION PAYABLE ON TERMINATION OF EMPLOYMENT

9. Where a worker ceases to be employed by an employer after the provisions of this Schedule become effective the employer shall, immediately on the termination of the employment (hereinafter referred to as "the termination date") pay to the worker as accrued holiday remuneration:—
- (1) in respect of employment in the 12 months ended on the 31st day of the preceding March, a sum equal to the holiday remuneration for any days of annual holiday for which he has qualified, except days of annual holiday which he has been allowed or has become entitled to be allowed before leaving the employment; and
- (2) in respect of any employment after the said 31st March, a sum equal to the holiday remuneration which would have been payable to him if he could have been allowed an annual holiday in respect of that employment at the time of leaving it.

### PART V

#### GENERAL

10. For the purposes of calculating any period of employment qualifying a worker for an annual holiday or for any accrued holiday remuneration under this Schedule, the worker shall be treated:—
- (1) as if he were employed for a week in respect of any week in which—
- (a) he has worked for the employer for not less than 24 hours and has performed some work for which statutory minimum remuneration is payable; or

(b) he has been absent throughout the week, or he has worked for the employer for less than 24 hours, solely by reason of the proved illness of or accident to the worker, provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed six in the aggregate in the period of 12 months immediately preceding the commencement of the holiday season ; or

(c) he is absent from work owing to suspension due to shortage of work, provided that the number of weeks which may be treated as weeks of employment for such reason shall not exceed four in the aggregate in the period of 12 months last mentioned, and

(2) as if he were employed on any day of holiday allowed under the provisions of this Schedule, and for the purposes of the provisions of sub-paragraph (1) of this paragraph, a worker who is absent on such a holiday shall be treated as having worked thereon for the employer for the number of hours ordinarily worked by him on that day of the week on work for which statutory minimum remuneration is payable.

11. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“HOLIDAY SEASON” means, in any year, the period commencing on 1st April and ending on 31st October in that year.

“NORMAL WORKING WEEK” means the number of days on which it has been usual for the worker to work in a week in the employment of the employer during the 12 months immediately preceding the commencement of the holiday season or, where under paragraph 9 accrued holiday remuneration is payable on the termination of the employment, during the 12 months immediately preceding the termination date:

Provided that—

(1) part of a day shall count as a day ;

(2) no account shall be taken of any week in which the worker did not perform any work for which statutory minimum remuneration has been fixed.

“ONE DAY’S HOLIDAY PAY” means the appropriate proportion of the remuneration which the worker would be entitled to receive from his employer at the date of the annual holiday (or where the holiday is allowed in more than one period at the date of the first period) or at the termination date, as the case may require, for one week’s work if working his normal working week and the number of daily hours normally worked by him (exclusive of overtime) and if paid at the general minimum time rate applicable to the worker (or which would be applicable if he were a time worker) increased by ten per cent., for work for which statutory minimum remuneration is payable and at the same rate (increased as aforesaid) for any work for which such remuneration is not payable, and in this definition “appropriate proportion” means—

where the worker’s normal working week is six days ... one-sixth

where the worker’s normal working week is five days ... one-fifth

where the worker’s normal working week is four days

or less ... .. one-quarter

“STATUTORY MINIMUM REMUNERATION” means minimum remuneration (other than holiday remuneration) fixed by a wages regulation order made by the Minister to give effect to proposals submitted to him by the Keg and Drum Wages Council (Great Britain).

“WEEK” in paragraphs 3 and 10 means “pay week”.

12. The provisions of this Schedule are without prejudice to any agreement for the allowance of any further holidays with pay or for the payment of additional holiday remuneration.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 26th October 1964, sets out the holidays which an employer is required to allow to workers and the remuneration payable for those holidays in substitution for the holidays and holiday remuneration fixed by the Wages Regulation (Keg and Drum) (Holidays) Order 1959 (Order K.D. (60)), which is revoked.

New provisions are printed in italics.

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**STATUTORY INSTRUMENTS**

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**1964 No. 1641 (C. 23) (S. 107)****SOLICITORS****The Solicitors (Scotland) Act 1958 (Commencement No. 3)  
Order 1964**

*Made - - - - - 8th October 1964*  
*Coming into Operation 9th October 1964*

In exercise of the powers conferred on me by section 13(6) of the Solicitors (Scotland) Act 1958(a), I hereby make the following order :—

1. This order may be cited as the Solicitors (Scotland) Act 1958 (Commencement No. 3) Order 1964.
2. Section 13 of the Solicitors (Scotland) Act 1958 shall come into operation on 9th October 1964.

*Michael Noble,*  
One of Her Majesty's  
Principal Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
8th October 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order brings into operation, on 9th October 1964, section 13 of the Solicitors (Scotland) Act 1958, which relates to accountant's certificates.

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(a) 6 & 7 Eliz. 2. c. 28.

## 1964 No. 1644

## AGRICULTURE

**The Price Stability of Imported Products (Rates of Levy No. 4)  
Order 1964**

*Made - - - - 12th October 1964*  
*Coming into Operation 14th October 1964*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5) and (6) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Rates of Levy No. 4) Order 1964; and shall come into operation on 14th October 1964.

2.—(1) In this order—

“the Principal Order” means the Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended (c), and as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ; AND other expressions have the same meaning as in the Principal Order.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of general levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th October 1964.

(L.S.)

*A. J. D. Winnifrith,*  
Secretary.

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706).  
(c) S.I. 1964/989, 1146, 1463, 1566 (1964 II, pp. 2229, 2570 ; III, pp. 3390, 3512).  
(d) 52 & 53 Vict. c. 63.

## SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of General Levy
11.02	Imports of :— Rolloed, flaked, crushed or bruised cereals— of wheat .. .. .	per ton £ s. d.  2 0 0

## EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order, which comes into operation on 14th October 1964, fixes a rate of general levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of the specified commodity described in the Schedule to the order.



1964 No. 1646

## WAGES COUNCILS

## The Wages Regulation (Laundry) (No. 2) Order 1964

Made - - - - 12th October 1964

Coming into Operation 2nd November 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Laundry Wages Council (Great Britain) (hereafter in this Order referred to as "the Council") the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Laundry) (No. 2) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 2nd November 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Laundry) Order 1964(c), shall cease to have effect.

Signed by order of the Minister of Labour 12th October 1964.

L. J. Dunnett,  
Secretary,  
Ministry of Labour.

## SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Laundry) Order 1964(a) (Order W. (94)).

### STATUTORY MINIMUM REMUNERATION

#### PART I

#### GENERAL

1.—(1) Subject to the provisions of paragraph 14 relating to guaranteed weekly remuneration, and to the provisions of sub-paragraph (2) of this paragraph, the minimum remuneration payable to a worker to whom this Schedule applies is as follows:—

(a) (i) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ;

(ii) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the hourly piece work basis time rate applicable to the worker ;

(iii) in the case of a worker regularly remunerated on a system of payment by results, not being a piece worker, such time rates with the addition of bonus rates as would yield to an ordinary worker, in the circumstances of the case, at least the same amount of money as one and one-eighth times the hourly general minimum time rate which would be applicable to the worker under Part II or Part III of this Schedule if the worker were a time worker ;

(b) for all work to which a minimum overtime rate applies under Part V of this Schedule, that rate.

(2) The minimum remuneration specified in sub-paragraph (1) of this paragraph shall be increased as follows:—

(a) in respect of any time to which the supplemental shift work rate applies under paragraph 12, by that rate ;

(b) in respect of any time to which the supplemental night work rate applies under paragraph 13, by that rate.

2. In this Schedule—

(1) “system of payment by results” means a system of payment which, in addition to remuneration related to time worked, includes an amount related to output or saving of time over a standard time, whether such amount is calculated on an individual or a collective basis ;

(2) “time worker” means any worker who is not a piece worker and who is not remunerated on any other system of payment by results.

#### PART II

#### GENERAL MINIMUM TIME RATES

#### MALE WORKERS INCLUDING TRANSPORT WORKERS

3. The general minimum time rates payable to all male workers, other than workers employed, wholly or mainly, as enginemen or stokers, are as follows:—

	Per hour		Per week of 42 hours	
	s.	d.	s.	d.
Aged 21 years or over ... ..	4	0	168	0
„ 20 and under 21 years ... ..	3	7	150	6
„ 19 „ „ 20 „ ... ..	3	2½	135	7½
„ 18 „ „ 19 „ ... ..	2	10½	121	7½
„ 17 „ „ 18 „ ... ..	2	6½	106	9
„ 16 „ „ 17 „ ... ..	2	3½	95	4½
„ under 16 years ... ..	2	0½	84	10½

**FEMALE WORKERS (OTHER THAN TRANSPORT WORKERS AND  
WORKERS TO WHOM PART III APPLIES)**

4. The general minimum time rates payable to all female workers (other than transport workers and workers to whom Part III of this Schedule applies) are as follows:—

	Per hour		Per week of 42 hours	
	s.	d.	s.	d.
Aged 19 years or over ... ..	3	0	126	0
" 18 and under 19 years ... ..	2	5½	103	3
" 17 " " 18 " " " " ... ..	2	2½	92	9
" 16 " " 17 " " " " ... ..	2	0½	84	10½
" 15 " " 16 " " " " ... ..	1	9½	74	4½

Provided that the general minimum time rate payable to a female worker to whom this paragraph applies who enters, or has entered, the trade for the first time at or over the age of 19 years shall, during the first three months of her employment in the trade, be 2s. 11d. per hour or 122s. 6d. per week of 42 hours.

**PART III**

**GENERAL MINIMUM TIME RATES**

**FEMALE WORKERS EMPLOYED AS SUBSTITUTES FOR MALE  
WORKERS**

**WASHHOUSE OR GENERAL INSIDE WORKERS**

5. The general minimum time rates payable to female workers employed in substitution for male washhouse or general inside workers are as follows:—

	Per hour
	s. d.
(1) Where the worker performs in full either the duties of an adult male worker whom she replaces or the duties which prior to the war were normally undertaken in the laundry by an adult male worker ... ..	4 0
(2) Where the worker does not perform in full either the duties of an adult male worker whom she replaces or the duties which prior to the war were normally undertaken in the laundry by an adult male worker, but is mainly engaged in either of the said duties ... ..	3 5
(3) Where the worker is aged 20 years or over and performs, wholly or mainly, either the duties of a male worker aged under 21 years whom she replaces or the duties which prior to the war were normally undertaken in the laundry by a male worker aged under 21 years ... ..	3 5
(4) Where the worker is aged under 20 years and performs, wholly or mainly, either the duties of a male worker aged under 21 years whom she replaces or the duties which prior to the war were normally undertaken in the laundry by a male worker aged under 21 years ... ..	} The rate which would be applicable under paragraph 3 if she were a male worker:

Provided that where the laundry, prior to replacement of male by female workers, worked a night shift on a shift system, the foregoing provisions of this paragraph shall apply only to workers engaged in machine washing and hydro extraction processes.

**DRIVERS**

6. The general minimum time rates payable to female workers employed, in substitution for male workers, as drivers are as follows:—

	Per hour
	s. d.
(1) Where the worker (not being a worker to whom (3) of this paragraph applies) performs in full either the duties of a male driver whom she replaces or the duties which prior to the war were normally undertaken in the laundry undertaking by a male driver ... ..	4 0
(2) Where the worker (not being a worker to whom (3) of this paragraph applies) does not perform in full either the duties of a male driver whom she replaces or the duties which prior to the war were normally undertaken in the laundry undertaking by a male driver, but is mainly engaged in either of the said duties ... ..	3 6½
(3) Where the worker is aged under 20 years and either replaces, or is employed in substitution for, a male driver who was aged under 21 years at the date of his replacement by a female worker ... ..	} The rate which would be applicable under paragraph 3 if she were a male worker.

7. In this Part of this Schedule the expression "prior to the war" means during the period of six months immediately preceding 3rd September 1939.

**PART IV**

**PIECE WORK BASIS TIME RATE  
MALE OR FEMALE WORKERS**

8. The hourly piece work basis time rate applicable to a worker employed on piece work is one and one-eighth times the hourly general minimum time rate which would be applicable to the worker under paragraph 3, 4 or 5 if the worker were a time worker.

**PART V**

**OVERTIME AND WAITING TIME  
MINIMUM OVERTIME RATES—ALL WORKERS**

9. Minimum overtime rates are payable to any worker as follows:—

- (a) On a customary holiday or the worker's weekly day of rest—
  - for all time worked ... .. Double time
- (b) On any day other than a customary holiday, the worker's weekly short day or weekly day of rest—
  - for all time worked in excess of 10 hours ... Time-and-a-half
- (c) On the worker's weekly short day, not being a customary holiday—
  - for all time worked in excess of 7 hours ... Time-and-a-half
- (d) In any week, excluding any time to which a minimum overtime rate is applicable under the provisions of (a) above—
  - (i) for the first 5 hours worked in excess of 42 hours ... .. Time-and-a-quarter
  - (ii) thereafter ... .. Time-and-a-half

Provided that—

- (1) no weekly overtime payment shall be made under (d) of this paragraph in any week in which the total period of daily overtime under (b) and (c) of this paragraph equals or exceeds the total period of the said weekly overtime ;
- (2) where the total period of daily overtime under (b) and (c) of this paragraph is less than the total period of weekly overtime under (d) of this paragraph, the latter shall be reduced by the period of such daily overtime, which shall be set off first against the weekly overtime payable at the rate of time-and-a-quarter and then, if the case so requires, against the weekly overtime payable at the rate of time-and-a-half.

#### WAITING TIME

- 10.—(1) A worker is entitled to payment of the minimum remuneration specified in Part I of this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—
- (a) without the employer's consent, express or implied ;
  - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
  - (c) by reason only of the fact that he is resident thereon ;
  - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if the worker were a time worker.

#### INTERPRETATION

11. In this Part of this Schedule

- (1) The expression "customary holiday" means the under-mentioned days (of which at least three shall be fixed between 15th March and 1st October in each year), that is to say:—
  - (a) (i) in England and Wales—
 

Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday and any day proclaimed as an additional Bank Holiday or a general holiday ;
  - (ii) in Scotland—
 

six weekdays in the course of a calendar year, to be fixed by the employer and notified to the worker not less than three weeks before the holiday, and any day proclaimed as an additional Bank Holiday or a general holiday ; provided that in a burgh two of the said weekdays, which shall not be less than three months apart, shall be the days fixed by the town council for the purposes of section 94(3) of the Factories Act 1961(a) ;

or (b) in the case of each of the said days, such weekday as may be substituted therefor, being a day mutually agreed between the employer and the worker or his representative,
- (2) The expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean, respectively—
  - (a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker ;

- (b) in the case of a worker employed on piece work, or a worker regularly remunerated on a system of payment by results, not being a piece worker—
- (i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply and, in addition thereto,
  - (ii) the minimum remuneration applicable to the worker under paragraph 1(1)(a).
- (3) The expression “weekly day of rest” means Sunday, or (except where in the case of a woman or young person such substitution is unlawful) Saturday in the case of a worker of the Jewish religion who is normally employed on Sunday and not on Saturday.
- (4) The expression “weekly short day” means:—
- (a) in the case of a worker to whom the Shops Act 1950(a) applies, the worker’s statutory half holiday;
  - (b) in the case of a worker of the Jewish religion (not being a worker to whom the provisions of (a) of this sub-paragraph apply) who is normally employed on Sunday and not on Saturday (except where in the case of a woman or young person such employment is unlawful) Sunday or such other day as may be substituted therefor;
  - (c) in any other case, Saturday, or (except where in the case of a woman or young person such substitution is unlawful) such other weekday as may be substituted therefor.

## PART VI

### SUPPLEMENTAL SHIFT WORK RATE

- 12.—(1) A supplemental rate of 2d. per hour is payable to a shift worker employed on a daily two-shift system, and the said rate is payable in addition to the minimum remuneration payable to the worker under the provisions of this or any preceding Part of this Schedule.
- (2) A shift worker on a daily two-shift system is a worker who is employed on either a morning or an afternoon shift in an undertaking in which a daily two-shift system is operated.

### SUPPLEMENTAL NIGHT WORK RATE

13. The supplemental night work rate is payable to a worker for any time worked between the hours of 10 p.m. and 6 a.m. and the said rate is payable in addition to the minimum remuneration payable to the worker for the said work under the provisions of this or any preceding Part of this Schedule. The amount of the supplemental night work rate is one-fifth of the hourly general minimum time rate applicable to the worker, or which would be applicable if the worker were a time worker.

## PART VII

### GUARANTEED WEEKLY REMUNERATION

- 14.—(1) Subject to the provisions of this paragraph, a worker who ordinarily works for the employer at least 39 hours weekly (or 32 hours weekly in a case where the proviso to the next following sub-paragraph applies) on work to which this Schedule applies shall be paid, in respect of any week in which he works for less than 39 hours (or 32 hours where the said proviso applies) on such work, not less than the guaranteed weekly remuneration.
- (2) The guaranteed weekly remuneration is 39 hours’ pay calculated at the hourly general minimum time rate ordinarily applicable to the worker under the provisions of Part II or Part III of this Schedule:

Provided that where the business of a laundry is subject in the course of the year to fluctuation by reason of changes in population of a seasonal nature and in consequence in any 12 months ending on 31st March there is, as between a period of not less than 10 consecutive weeks and any other such period, a reduction of at least 20 per cent. in the average of the weekly hours of all the workers, working at or from the laundry, in relation to whom the Council operates, the guaranteed weekly remuneration shall, in respect of the next ensuing period of 12 months, be 32 hours' pay calculated as aforesaid.

- (3) The guaranteed weekly remuneration in any week shall be reduced by the amount of any holiday remuneration paid, or payable, by the employer to the worker in respect of any holiday allowed to, and taken by, the worker in that week under the provisions of the Wages Councils Act 1959.
- (4) In calculating the number of hours worked in any week for the purposes of this paragraph, a worker shall be treated as though he had worked on any holiday allowed to, and taken by, him in that week under the provisions of the Wages Councils Act 1959, the number of hours ordinarily worked by him on that day of the week, provided that a worker shall not be treated as having worked in any week throughout which he is on holiday.
- (5) Payment of the guaranteed weekly remuneration in any week is subject to the condition that the worker throughout the period of his ordinary employment in that week, excluding any day allowed him as a holiday, is:—
  - (a) capable of and available for work ; and
  - (b) willing to perform such duties outside his normal occupation as the employer may reasonably require, if his normal work is not available to him in the establishment in which he is employed.
- (6) The guaranteed weekly remuneration shall not be payable to a worker (a) in any week in which work is not available to him by reason of a strike or lock-out or circumstances outside the employer's control, if he has given the worker not less than four days' notice of his inability to provide such employment and the notice has expired ; or (b) in respect of any week if the worker's employment is terminated before the end of that week.
- (7) The guaranteed weekly remuneration applicable to a piece worker or a worker regularly remunerated on a system of payment by results, not being a piece worker, shall be the sum to which he would be entitled if he were a time worker.

#### PART VIII

#### APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

15. This Schedule does not apply to male workers employed, wholly or mainly, as enginemen or stokers or (except in the case of the workers specified in Part III of this Schedule) to female workers employed in any of the operations specified in clause 2 of the definition of the Trade set out below, but save as aforesaid, this Schedule applies to workers in relation to whom the Laundry Wages Council (Great Britain) operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to the Trade Boards (Laundry Trade, Great Britain) (Constitution and Proceedings) Regulations 1940(a), which reads as follows:—

#### “TRADE

1. The laundering of articles of every description and all processes and operations incidental thereto performed by way of trade or for the purpose of gain.

2. The following work when done in connection with a laundry undertaking by persons in the employment of the undertaking:—

(a) the transport of articles to be laundered and of laundered articles including the collection, loading, unloading and delivery of the articles, and attending to the articles during transport;

(b) driving and assisting in driving or control of, and acting as attendant to, any goods vehicle while being used for the purpose of any of the work specified in (a) above;

(c) operations performed by persons engaged on any work specified in sub-paragraph (a) or (b) above which are incidental to such work.

3. The Laundry Trade shall not include the following processes and operations, and such processes and operations shall not constitute a laundry undertaking for the purpose of this definition, that is to say:—

Processes and operations specified in the Trade Boards (Women's Clothing) Order 1919(a), the Trade Boards (Shirtmaking) Order 1920(b), or the Trade Boards (Linen and Cotton Handkerchief and Household Goods and Linen Piece Goods) Order 1920(c), or in any Special Order which may hereafter vary the provisions of any of the Orders aforesaid."

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 2nd November 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Laundry) Order 1964 (Order W. (94)), which is revoked.

New provisions are printed in italics.

(a) S.R. & O. 1919/1263 (1919 II, p. 531). (b) S.R. & O. 1920/711 (1920 II, p. 790).  
(c) S.R. & O. 1920/103 (1920 II, p. 780).



1964 No. 1650

## LAND REGISTRATION

**The Land Registration (District Registries) (Amendment)  
Order 1964**

*Made* - - - - - 12th October 1964  
*Coming into Operation* 1st December 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by section 132 of the Land Registration Act 1925(a), and with the concurrence of the Treasury, hereby make the following Order:—

*Title, commencement and interpretation*

1.—(1) This Order may be cited as the Land Registration (District Registries) (Amendment) Order 1964 and shall come into operation on 1st December 1964.

(2) In this Order:—

“the main Order” means the Land Registration (District Registries) Order 1963(b); and

“Kent” and “Surrey” mean the administrative counties of Kent and Surrey respectively as they will be constituted on and after 1st April 1965 by virtue of the London Government Act 1963(c); and

subject thereto this Order shall be construed as one with the main Order.

*Amendment of main Order*

2. The main Order shall be amended by the revocation of the Schedule thereto and the substitution in its place of the Schedule to this Order.

6th October 1964.

*Dilhorne, C.*

We concur.

*John Peel,*

*M. A. Hamilton,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

12th October 1964.

(a) 15 & 16 Geo. 5. c. 21.

(b) S.I. 1963/1706 (1963 III, p. 3274).

(c) 1963 c. 33.

## SCHEDULE

1 District Registries	2 Administrative Counties	3 County Boroughs
The Lytham District Land Registry at Lytham St. Anne's	Buckingham Cambridge Chester Cumberland Gloucestershire Herefordshire Hertfordshire Huntingdonshire Isle of Ely Lancaster Lincoln, Parts of Holland Lincoln, Parts of Kesteven Lincoln, Parts of Lindsey Monmouthshire Norfolk Northamptonshire Rutland Salop Soke of Peterborough East Suffolk West Suffolk Westmorland All the counties in Wales	Barrow-in-Furness, Birkenhead, Blackburn, Blackpool, Bolton, Bootle, Burnley, Bury, Carlisle, Chester, Gloucester, Great Yarmouth, Grimsby, Ipswich, Lincoln, Liverpool, Manchester, Newport, Northampton, Norwich, Oldham, Preston, Rochdale, St. Helens, Salford, Southport, Stockport, Wallasey, Warrington, Wigan, all the county boroughs in Wales.
The Nottingham District Land Registry at Nottingham	Derbyshire Durham Leicester Nottinghamshire Northumberland Staffordshire Warwickshire Worcestershire Yorkshire, East Riding Yorkshire, North Riding Yorkshire, West Riding	Barnsley, Birmingham, Bradford, Burton upon Trent, Coventry, Darlington, Derby, Dewsbury, Doncaster, Dudley, Gateshead, Halifax, Huddersfield, Kingston upon Hull, Leeds, Leicester, Middlesbrough, Newcastle upon Tyne, Nottingham, Rotherham, Sheffield, Smethwick, South Shields, Stoke-on-Trent, Sunderland, Tynemouth, Wakefield, Walsall, West Bromwich, West Hartlepool, Wolverhampton, Worcester, York.
The Tunbridge Wells District Land Registry at Tunbridge Wells	Berkshire Cornwall Devon Dorset Hampshire Isle of Wight Kent Oxford Somerset Surrey East Sussex West Sussex Wiltshire	Bath, Bournemouth, Brighton, Bristol, Canterbury, Eastbourne, Exeter, Hastings, Oxford, Plymouth, Portsmouth, Reading, Southampton.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Land Registration (District Registries) Order 1963 by altering the area of the Tunbridge Wells District Land Registry. The effect of the Order will be to transfer, as from 1st December 1964, the administrative county of Surrey, as it will be constituted after 1st April 1965 under the provisions of the London Government Act 1963, from the area for which the Land Registry in London is responsible to that of the Tunbridge Wells District Land Registry, and to transfer the new London boroughs of Bexley and Bromley (at present within the administrative county of Kent) from the Tunbridge Wells District Land Registry's area to that of the Land Registry in London.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1651

**COPYRIGHT**

**The Copyright (International Conventions) (Amendment  
No. 2) Order 1964**

Made - - - - 15th October 1964

\* *To be laid before Parliament*

Coming into Operation 28th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority conferred upon Her by sections 31, 32 and 47 of the Copyright Act 1956(a) and of all other powers enabling Her in that behalf, is pleased to order, and it is hereby ordered, as follows:—

1. The Copyright (International Conventions) Order 1964(b) (hereinafter called "the principal Order") as amended(c), shall be further amended:—

- (i) by adding references to Guatemala and to New Zealand in Part 2 of Schedule 1 thereto (which names the countries party to the Universal Copyright Convention);
- (ii) by adding a reference to Guatemala in Schedule 2 thereto (which names certain countries who are not members of the Berne Copyright Union but who are parties to the Universal Copyright Convention) and a related reference to 28th October 1964 in the list of dates in column 2 of that Schedule; and
- (iii) by omitting the reference to Congo (Brazzaville) in Schedule 3 (which names the countries in the case of which copyright in sound recordings includes the exclusive right to perform in public and to broadcast).

2. Where any person has, before the commencement of this Order, taken any action whereby he has incurred any expenditure or liability in connection with the reproduction or performance of any work or other subject-matter in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the making of this Order, have been lawful, nothing in this Order shall diminish or prejudice any right or interest arising from, or in connection with, such action which is subsisting and valuable immediately before the commencement of this Order unless the person who, by virtue of this Order, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by arbitration.

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\* This Instrument was laid before Parliament on 27th October 1964.

(a) 4 & 5 Eliz. 2. c. 74.

(b) S.I. 1964/690 (1964 II, p. 1319).

(c) S.I. 1964/1194 (1964 II, p. 2773).

3. The provisions of this Order shall extend to all the countries mentioned in Column 1 of Part 1 of Schedule 4 to the principal Order (being the countries to which that Order has been extended).

4. This Order may be cited as the Copyright (International Conventions) (Amendment No. 2) Order 1964 and shall come into operation on 28th October 1964.

*W. G. Agnew.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order further amends the Copyright (International Conventions) Order 1964.

It takes account of the fact that Guatemala and New Zealand have subscribed to the Universal Copyright Convention.

The Order also restricts the copyright in sound recordings originating in Congo (Brazzaville) so that it no longer includes the exclusive right to perform in public or to broadcast. It also takes account of the fact that Congo (Brazzaville) have limited the protection given to foreign recordings.

Article 3 of the Order extends its provisions to the dependent countries of the Commonwealth where the Copyright Act 1956 is law.

## 1964 No. 1652

## AFRICA

**The Zambia Independence Order 1964***Made - - - - 15th October 1964**Coming into Operation Immediately before  
24th October 1964**\* To be laid before Parliament*

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf conferred by the Foreign Jurisdiction Act 1890(a) and the Zambia Independence Act 1964(b) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Zambia Independence Order 1964.

Citation,  
commence-  
ment and  
construction.

(2) This Order shall come into operation immediately before 24th October 1964:

Provided that the Governor of Northern Rhodesia acting in accordance with the advice of the Prime Minister may at any time after 15th October 1964 exercise any of the powers conferred upon the President by section 4(3)(a) of this Order or section 82 of the Constitution of Zambia established by this Order to such extent as may, in his opinion, be necessary or expedient to enable that Constitution to function as from 24th October 1964.

(3) Save where the context otherwise requires, expressions used in sections 1 to 22 (inclusive) of this Order have the same meaning as in the Constitution set out in Schedule 2 to this Order and the provisions of section 125 of that Constitution shall apply for the purposes of interpreting those sections as they apply for the purposes of interpreting that Constitution.

2. The Orders specified in Schedule 1 to this Order (hereinafter referred to as "the existing Orders"), excepting sections 19 and 20 of the Northern Rhodesia (Procedure in Appeals to Privy Council) Order in Council 1963(c), are revoked.

Revocations.

3. Subject to the provisions of this Order the Constitution set out in Schedule 2 to this Order (hereinafter referred to as "the Constitution") shall come into effect in Zambia at the commencement of this Order:

Establish-  
ment of  
Constitution.

Provided that section 20(8) of the Constitution shall come into effect in Zambia on 24th October 1966 or such later date as Parliament may prescribe.

\* This Instrument was laid before Parliament on 27th October 1964.

(a) 53 & 54 Vict. c. 37.

(b) 1964 c. 65.

(c) S.I. 1963/2089 (1963 III, p. 4598).

Existing  
laws.

4.—(1) Subject to the provisions of this section, the existing laws shall, notwithstanding the revocation of the existing Orders or the establishment of a Republic in Zambia, continue in force after the commencement of this Order as if they had been made in pursuance of this Order.

(2) The existing laws and any Act of Parliament of the United Kingdom or Order of Her Majesty in Council (other than the Zambia Independence Act 1964 or this Order) having effect as part of the law of Zambia or any part thereof immediately before the commencement of this Order shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Order.

(3) The President may by order made at any time before 24th April 1965 make such amendments to—

(a) the existing laws ; or

(b) any Act of Parliament of the United Kingdom or Order of Her Majesty in Council (other than the Zambia Independence Act 1964 or this Order) having effect as part of the law of Zambia or any part thereof immediately before the commencement of this Order,

as may appear to him to be necessary or expedient for bringing those laws or that Act of Parliament or Order into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

(4) Where any matter that falls to be prescribed or otherwise provided for under the Constitution by Parliament or by any other authority or person is prescribed or provided for by or under an existing law (including any amendment to any such law made under this section) or is otherwise prescribed or provided for immediately before the commencement of this Order, by or under the existing Orders, that prescription or provision shall, as from the commencement of this Order, have effect as if it had been made under the Constitution by Parliament or, as the case may be, by the other authority or person.

(5) The provisions of this section shall be without prejudice to any powers conferred by this Order upon any person or authority to make provision for any matter, including the amendment or repeal of any existing law.

(6) For the purposes of this section, the expression “the existing laws” means all Ordinances, laws or statutory instruments having effect as part of the law of Northern Rhodesia or any part thereof immediately before the commencement of this Order (including any Ordinance, law or statutory instrument made before the commencement of this Order and coming into operation on or after the commencement of this Order) which were made or had effect as if they were made in pursuance of the existing Orders or were continued in force by the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963(a).

Existing  
offices.

5.—(1) Where any office has been established by or under the existing Orders and the Constitution establishes a similar or an equivalent office, any person who immediately before the commencement of this Order holds or is acting in the former office shall, so far as is consistent with the provisions of the Constitution, be deemed to have been appointed or elected as from the commencement of

this Order to hold or to act in the latter office in accordance with the provisions of the Constitution and to have taken the oath of allegiance and any other necessary oath under the Constitution:

Provided that any person who, under the existing Orders or under any existing law, would have been required to vacate his office at the expiration of any period or on the attainment of any age shall vacate his office at the expiration of that period or upon the attainment of that age.

(2) Where any office of Minister (other than the office of Prime Minister) or of Parliamentary Secretary is established under the existing Orders immediately before the commencement of this Order an equivalent office shall be deemed to have been established, from the commencement of this Order, under the Constitution, and any person holding that office immediately before the commencement of this Order shall be deemed to have been appointed, immediately after the assumption of office by the first President of the Republic of Zambia, to hold the equivalent office in accordance with the provisions of the Constitution.

(3) The President may, at any time after the commencement of this Order, require any person who continues in office by virtue of the provisions of this section to take an oath of allegiance and any oath for the due execution of his office that is prescribed by or under an Act of Parliament.

(4) The provisions of this section shall be without prejudice to the provisions of section 9 or 10 of this Order.

(5) In this section "existing law" means such a law as is referred to in section 4(6) of this Order.

6.—(1) Any person who, at the commencement of this Order, is entitled to be registered as a citizen of Zambia under section 4 or 8 of the Constitution shall, until he becomes a citizen of Zambia or until 24th October 1966 (whichever is the earlier) and subject to the provisions of subsection (3) of this section, have the status of a citizen of Zambia. Citizenship.

(2) Any person who has the status of a citizen of Zambia by virtue of the provisions of this section shall be regarded as such a citizen for the purposes of the provisions of the Constitution (other than Chapter II or section 66(1)) and the provisions of any other law for the time being in force in Zambia (other than a law made or having effect as if made in pursuance of section 11 of the Constitution).

(3) Where provision is made by any law for the time being in force for depriving any person of citizenship of Zambia those provisions shall apply to the status conferred by this section and any person may be deprived of that status under those provisions accordingly.

7. If, immediately before the commencement of this Order, a Proclamation by the Governor of Northern Rhodesia under section 4 of the Preservation of Public Security Ordinance<sup>(a)</sup> is in force, then, there shall be deemed to be in force, from the commencement of this Order, a declaration under section 29(1)(b) of the Constitution that has been approved by the National Assembly at the commencement of this Order, and that declaration shall, unless it is sooner revoked or unless it is extended by the National Assembly in accordance with section 29 of the Constitution, continue in force until 24th April 1965. Declaration of emergency.



First  
President.

8.—(1) If at the commencement of this Order the person named in section 32(1) of the Constitution is not the President designate, the first President of the Republic of Zambia shall be the person who is then the President designate and if, at the commencement of this Order, there is no person who is President designate the office of President shall be deemed to have become vacant at the commencement of this Order and the provisions of section 37 of the Constitution shall apply accordingly.

(2) The first President shall, as soon as practicable after the commencement of this Order, take the oaths prescribed for the purposes of section 39 of the Constitution.

(3) In this section references to the President designate are references to the person elected as such in pursuance of the Zambia (Election of First President) Order 1964(a).

Constitu-  
encies and  
Elections.

9.—(1) In this section “the interim period” means the period beginning from the commencement of this Order and ending on the day upon which Parliament is first dissolved after the commencement of this Order or, if that dissolution occurs before 10th March 1969 and the President by order made on the day of that dissolution so prescribes, ending on 10th March 1969.

(2) Notwithstanding anything in section 59, 61, 66 or 68 of the Constitution the following provisions shall have effect during the interim period—

(a) the whole of Zambia shall, for the purpose of the election of the elected members of the National Assembly,—

- (i) be divided into sixty-five main roll constituencies; and
- (ii) be divided into ten reserved constituencies;

(b) the boundaries of the main roll constituencies and of the reserved constituencies shall be the boundaries of the corresponding main roll constituencies and reserved constituencies established by the existing Orders, as delimited immediately before the commencement of this Order;

(c) each of the constituencies into which Zambia is divided by paragraph (a) of this subsection shall return one member to the National Assembly, who shall be elected in such manner as may be prescribed by or under any law—

- (i) in the case of a main roll constituency, by the voters registered in that constituency as main roll voters; and
- (ii) in the case of a reserved constituency, by the voters registered in that constituency as reserved roll voters;

(d) every person who immediately before the commencement of this Order was registered as a reserved roll voter under the existing Orders shall be deemed to possess the qualifications specified in section 66(1) of the Constitution;

(e) a person registering as a voter for the purpose of elections to the National Assembly under any law shall—

- (i) if he is an African, be registered as a main roll voter;
- (ii) if he is a European, be registered as a reserved roll voter;
- (iii) if he is neither an African nor a European, declare whether he wishes to be registered as a main roll voter or a reserved

roll voter and he shall be registered accordingly as a main roll voter or a reserved roll voter, as the case may be.

(3) An Electoral Commission may be established at any time during the interim period in accordance with section 67 of the Constitution and any such Commission may prescribe the boundaries of the constituencies in accordance with section 68 of the Constitution and as if subsection (2) of this section were not in force, and any boundaries so prescribed shall come into effect on the day upon which the interim period expires.

(4) Registers of voters for the purposes of elections to the National Assembly may be prepared during the interim period as if subsection (2) of this section were not in force, but those registers shall not have effect until after the expiration of the interim period.

(5) (a) Every person who, immediately before the commencement of this Order, is registered as a main roll voter under the existing Orders shall be deemed to possess the qualifications specified in section 66(1) of the Constitution.

(b) The provisions of this subsection shall cease to have effect on such day as the President may by order prescribe.

**10.—(1)** Any person who, by virtue of the provisions of section 5 of this Order, is, at the commencement of this Order, a member of the National Assembly—

Members of  
National  
Assembly.

(a) shall be deemed, as from the commencement of this Order, to have been elected to represent the constituency established by section 9 of this Order that corresponds to the constituency in which he was elected under the existing Orders ;

(b) shall, if he does not become a citizen of Zambia on 24th October 1964, not be required until 24th October 1966 to vacate his seat in the Assembly on the grounds that he is not a citizen of Zambia, but he shall vacate his seat on that date if he is not then such a citizen.

(2) Until Parliament otherwise provides in pursuance of section 62(5) of the Constitution and save as maybe otherwise provided by any existing law (as defined in section 4(6) of this Order), a person shall be disqualified for election as a member of the National Assembly if he holds or is acting in any public office or he is a member of the armed forces of Zambia.

**11.** Parliament unless sooner dissolved shall stand dissolved on 10th March 1969.

Dissolution  
of  
Parliament.

**12.** The rules and orders of the Legislative Assembly established by the existing Orders, as in force immediately before the commencement of this Order, shall, until it is otherwise provided in pursuance of section 81 of the Constitution, be the rules of procedure of the National Assembly but shall be construed with such modifications, adaptations, qualifications and exceptions, as may be necessary to bring those rules into conformity with the Constitution.

Procedure of  
National  
Assembly.

**13.** The Emergency Powers Orders in Council 1939(a) to 1964(b) shall cease to have effect as part of the law of Zambia.

Emergency  
Powers  
Orders in  
Council 1939  
to 1964.

(a) See S.I. 1952 I, at p. 621.

(b) S.I. 1956/731, 1963/88, 1633, 1964/267, 1199 (1956 I, p. 512; 1963 I, p. 105; III, p. 3084; 1964 I, p. 467).

Chiefs.

14. Any person who, immediately before the commencement of this Order, was recognised by the Governor to be of Chiefly status in Barotseland or was recognised under any law as Litunga of Barotseland or as a Paramount Chief, Senior Chief, Chief or sub-Chief shall, until that recognition is withdrawn by the President, be deemed, from the commencement of this Order, to have received equivalent recognition by the President.

Appeals in respect of certain decisions affecting pensions and like benefits.

15.—(1) The following provisions of this section shall have effect for the purpose of enabling any officer to whom this section applies or his personal representatives to appeal against a decision to which this section applies, that is to say, a decision within any of the following classes:—

- (a) a decision of the appropriate Commission to give such concurrence as is required by section 121 of the Constitution in relation to the refusal, withholding, reduction in amount or suspension of any benefits in respect of such an officer's service as a public officer ;
- (b) a decision by any authority to remove such an officer from office if the consequence of the removal is that any benefits cannot be granted in respect of the officer's service as a public officer ;
- (c) a decision by any authority to take some other disciplinary action in relation to such an officer if the consequence of the action is to reduce the amount of any benefits that may be granted in respect of the officer's service as a public officer.

(2) Where any decision such as is referred to in subsection (1) of this section is taken by any authority, the authority shall cause to be delivered to the officer concerned, or his personal representatives, a written notice of that decision stating the time, not being less than twenty-eight days from the date on which the notice is delivered, within which he, or his personal representatives, may apply to the authority for the case to be referred to an Appeals Board.

(3) If application is duly made to an authority within the time stated in such a notice as is mentioned in subsection (2) of this section for a case to be referred to an Appeals Board, the authority shall notify the President in writing of that application and the President shall appoint an Appeals Board for that purpose consisting of—

- (a) one member selected by the President ;
- (b) one member selected by an association representative of public officers or a professional body, nominated in either case by the applicant ; and
- (c) one member selected by the two other members jointly (or, in default of agreement between those members, by the Chief Justice) who shall be the Chairman of the Board.

(4) Such an Appeals Board shall inquire into the facts of the case that is referred to it, and for that purpose the Board—

- (a) shall, if the applicant so requests in writing, hear the applicant either in person or by a legal representative of his choice, according to the terms of the request ;
- (b) may hear any other person who, in the opinion of the Board, is able to give the Board information on the case ; and
- (c) shall have access to, and shall consider, all documents that were available to the authority concerned and shall also consider

any further document relating to the case that may be produced by or on behalf of the applicant or the authority.

(5) When such an Appeals Board has completed its consideration of the case, then—

(a) if the decision that is the subject of the reference to the Board is a decision such as is mentioned in paragraph (a) of subsection (1) of this section, the Board shall advise the appropriate Commission whether the decision should be affirmed, reversed or modified and the Commission shall act in accordance with that advice ;

(b) if the decision that is the subject of the reference to the Board is a decision such as is mentioned in paragraph (b) or (c) of subsection (1) of this section, the Board shall not have power to advise the authority responsible for making the decision to affirm, reverse or modify the decision but the Board may advise the authority responsible for granting the benefits in question—

(i) where the officer has been removed from office, to grant all or part of the benefits for which the officer concerned would have been eligible under any law if he had retired voluntarily at the date of the dismissal ; or

(ii) where some other disciplinary action has been taken in relation to the officer, that on the grant of any benefits under any law in respect of the officer's service such benefits shall be increased by such amount, or shall be calculated in such manner, as the Board may specify in order to offset all or any part of the reduction in the amount of such benefits that, in the opinion of the Board, would or might otherwise be a consequence of the action,

and that authority shall act in accordance with that advice and the provisions of that law shall have effect accordingly.

(6) In this section—

“the appropriate Commission” has the meaning assigned to it in section 121 of the Constitution ;

“pensions benefits” has the meaning assigned to it in section 120 of the Constitution.

(7) This section applies to any officer who is the holder of a pensionable public office and—

(a) is designated under the Overseas Service Aid Scheme ;

(b) is, immediately before the commencement of this Order, a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary ;

(c) whose conditions of service include an entitlement to free overseas passages from Zambia for the purpose of leave of absence upon the completion of a tour of duty ; or

(d) is not a citizen of Zambia.

16.—(1) If the President is satisfied that there are more local candidates qualified for appointment to, or promotion in, any branch of the public service mentioned in section 115(2) of the Constitution than

Compulsory retirement to facilitate appointment of local candidates.

there are vacancies in that branch which could appropriately be filled by such local candidates, he may select officers in that branch to whom this subsection applies and whose retirement would cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and, by notice in writing, call upon the officers so selected to retire from the public service; and any officer who is so required to retire shall retire accordingly.

(2) If the President so requests, the Judicial Service Commission or Public Service Commission shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in any branch of the service for which the Commission is responsible than there are vacancies in that branch that could appropriately be filled by such local candidates; and the Commission, if satisfied that such is the case, shall, if so requested by the the President, select officers in that branch to whom this subsection applies and whose retirement would in the opinion of the Commission cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the President of the number of officers so selected; and if the President specifies a number of officers to be called upon to retire (not exceeding the number of officers so selected), the Commission shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service; and any officer who is so required to retire shall retire accordingly.

(3) Any notice given under subsection (1) or (2) of this section requiring any officer to retire from the public service shall—

- (a) in the case of an officer who, when he receives the notice, is on leave of absence upon the completion of a tour of duty, specify the date upon which he shall so retire which shall be not earlier than the expiration of six months from the date when he receives the notice or, if his leave of absence would otherwise expire later, when it would otherwise expire; and
- (b) in the case of any other officer, specify the period, which shall be not less than six months from the date when he receives the notice, at the expiration of which he shall proceed upon leave of absence pending retirement:

Provided that, with the consent of the officer, the notice may specify an earlier date or, as the case may be, a shorter period.

(4) An officer to whom this section applies shall not be compulsorily retired from the public service for the purpose of facilitating the appointment of local candidates except in accordance with the provisions of this section.

(5) This section applies to any officer who holds a pensionable public office and—

- (a) is designated under the Overseas Service Aid Scheme;
- (b) is, immediately before the commencement of this Order, a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary;

(c) whose conditions of service include an entitlement to free passages from Zambia for the purpose of leave of absence upon the completion of a tour of duty; or

(d) is an overseas officer who, after the commencement of this Order, is appointed to any public office (otherwise than on promotion or transfer from another public office) and who is notified at the time of his appointment that this section will apply to him.

(6) In this section "overseas officer" means an officer in the public service who is, either individually or as a member of a class, declared by the appropriate Commission to be an overseas officer, and "the appropriate Commission" means—

(a) in relation to an officer who can be removed from his office by the Judicial Service Commission, that Commission; and

(b) in any other case, the Public Service Commission.

17.—(1) All proceedings that, immediately before the commencement of this Order, are pending before any court established by or under the existing Orders may be continued and concluded after the commencement of this Order before the corresponding court established by or under the Constitution.

Legal proceedings.

(2) Any decision given before the commencement of this Order by any such court as aforesaid shall, for the purpose of its enforcement or for the purpose of any appeal therefrom, have effect after the commencement of this Order as if it were a decision of the corresponding court established by or under the Constitution.

18. Where under any law in force in Northern Rhodesia immediately before the commencement of this Order any prerogative or privileges are vested in Her Majesty those prerogatives or privileges shall, from the commencement of this Order, vest in the President.

Prerogatives and privileges of Crown.

19.—(1) Subject to the provisions of this section, any property and assets which immediately before the commencement of this Order are vested in Her Majesty or in the Governor of Northern Rhodesia, for the purposes of the Government of Northern Rhodesia, shall, from the commencement of this Order, vest in the President on behalf of the Government of Zambia.

Property and assets.

(2) Any property which, immediately before the commencement of this Order, is liable to escheat or be forfeited to Her Majesty for the purposes of the Government of Northern Rhodesia, shall, from the commencement of this Order, be liable to escheat or be forfeited to the President on behalf of the Government of Zambia.

(3) Where, immediately before the commencement of this Order, any person holds any property or assets in trust for Her Majesty or for the Governor of Northern Rhodesia for the purposes of the Government of Northern Rhodesia, that person shall, from the commencement of this Order, hold such property or assets on the like trust for the President.

(4) Nothing in subsection (1) or (3) of this section shall apply in relation to any property or assets which, immediately before the commencement of this Order, are vested in Her Majesty, the Secretary of State or the Governor of Northern Rhodesia by virtue of the

**Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963(a) or the Northern Rhodesia (Native Trust Land) Orders in Council 1947 to 1963(b).**

Rights,  
liabilities and  
obligations.

**20.—(1) All rights, liabilities and obligations of—**

(a) Her Majesty in respect of the Government of Northern Rhodesia ; and

(b) the Governor of Northern Rhodesia or the holder of any other office under the Crown in respect of the Government of Northern Rhodesia on behalf of that Government,

shall, from the commencement of this Order, be rights, liabilities and obligations of the President on behalf of the Government of Zambia and, subject to the provisions of any law, shall be enforceable by or against the President accordingly.

(2) In this section, rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise (other than any rights referred to in subsections (1), (2), (3) and (4) of section 19 of this Order, any rights, liabilities or obligations of Her Majesty in respect of the Government of Northern Rhodesia arising under any treaty, convention or agreement with another country or with any international organisation, and any rights or obligations which cease to have effect by virtue of section 8 of the Zambia Independence Act 1964).

Remunera-  
tion of  
certain  
officers.

**21.** Until other provision is made in that behalf by Parliament in pursuance of section 111 of the Constitution and subject to the other provisions of that section, there shall be paid to the holders of the offices to which that section applies the salaries payable to the holders of the corresponding offices immediately before the commencement of this Order.

Alteration of  
this order.

**22.** Parliament may alter any of the provisions of this Order in the same manner as it may alter any of the provisions of the Zambia Independence Act 1964 which form part of the law of Zambia.

*W. G. Agnew.*

Section 2.

## SCHEDULE 1 TO THE ORDER

### ORDERS REVOKED BY THIS ORDER

The Northern Rhodesia (Barotseland) Order in Council 1953(c)

The Northern Rhodesia (Barotseland) (Amendment) Order in Council 1963(d)

The Northern Rhodesia (Constitution) Order in Council 1963(e)

The Northern Rhodesia (Procedure in Appeals to Privy Council) Order in Council 1963(f) (except ss. 19/20)

(a) S.R. & O. 1928/246, 1936/1380 (Rev. VIII, p. 173: 1928, p. 601; 1936 I, p. 936); 1929/103, 651, 1931/167, 849, 1933/227, 488, 1937/760, 1943/76, 1947/194 (Rev. VIII, p. 182: 1929, pp. 457, 467; 1931, pp. 453, 458; 1933, pp. 824, 828; 1937, p. 809; 1943 I, p. 295; 1947 I, p. 778); 1929/1002, 1938/181 (Rev. VIII, p. 193: 1929, p. 468; 1938 I, p. 1309); 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1950/1966, 1951/1168, 1955/1953, 1956/1892, 1960/2209, 1961/1503, 1962/403, 633, 1335, 1873, 1963/1045, 1923, 2090 (1950 II, p. 95; 1951 II, p. 96; 1955 II, p. 2211; 1956 II, p. 1990; 1960 III, p. 2906; 1961 II, p. 3057; 1962 I, pp. 370, 642; II, pp. 1442, 2193; 1963 II, p. 1786; III, pp. 3775, 4604).

(b) S.R. & O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1954/1142, 1374, 1959/2204, 1961/335, 995, 1962/404, 634, 1336, 1963/1050, 1328, 1924, 2091 (1954 II, pp. 1937, 1938; 1959 II, p. 2340; 1961 I, p. 529; II, p. 1920; 1962 I, pp. 372, 644; II, p. 1444; 1963 II, p. 1809, 2309; III, pp. 3777, 4606).

(c) S.I. 1953/739 (1953 II, p. 1512).

(d) S.I. 1963/174 (1963 I, p. 162).

(e) S.I. 1963/2088 (1963 III, p. 4532).

(f) S.I. 1963/2089 (1963 III, p. 4598).

- The Northern Rhodesia (Constitution) (Amendment) Order 1964(a)  
 The Northern Rhodesia (Constitution) (Amendment No. 2) Order  
 1964(b)  
 The Zambia (Election of First President) Order 1964(c)

Section 3.

**SCHEDULE 2 TO THE ORDER**  
**THE CONSTITUTION OF ZAMBIA**  
**ARRANGEMENT OF SECTIONS**

**CHAPTER I**  
**THE REPUBLIC**

*Section*

1. Declaration of Republic.
2. Public Seal.

**CHAPTER II**  
**CITIZENSHIP**

3. Persons who become citizens on 24th October 1964.
4. Persons entitled to be registered as citizens by virtue of connection with Northern Rhodesia.
5. Persons born in Zambia after 23rd October 1964.
6. Persons born outside Zambia after 23rd October 1964.
7. Marriage to Zambia citizen after 23rd October 1964.
8. Persons entitled to be registered as Zambia citizens by virtue of connection with Zambia.
9. Commonwealth citizens.
10. Reciprocal privileges for citizens of other countries.
11. Powers of Parliament.
12. Interpretation.

**CHAPTER III**

**PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF  
 THE INDIVIDUAL**

13. Fundamental rights and freedoms of the individual.
14. Protection of right to life.
15. Protection of right to personal liberty.
16. Protection from slavery and forced labour.
17. Protection from inhuman treatment.
18. Protection from deprivation of property.
19. Protection for privacy of home and other property.
20. Provisions to secure protection of law.
21. Protection of freedom of conscience.
22. Protection of freedom of expression.
23. Protection of freedom of assembly and association.
24. Protection of freedom of movement.
25. Protection from discrimination on the grounds of race, etc.
26. Derogation from fundamental rights and freedoms.
27. Reference of certain matters to special tribunal.
28. Enforcement of protective provisions.
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(a) S.I. 1964/919 (1964 II, p. 2046).

(b) S.I. 1964/1191 (1964 II, p. 2768).

(c) S.I. 1964/1283 (1964 II, p. 2959).



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## CITIZENSHIP

3.—(1) Every person who, having been born in the former Protectorate of Northern Rhodesia, is on 23rd October 1964, a British protected person shall become a citizen of Zambia on 24th October 1964.

Persons who  
become  
citizens on  
24th October  
1964.

(2) Every person who, having been born outside the former Protectorate of Northern Rhodesia, is on 23rd October 1964 a British protected person shall, if his father becomes, or would but for his death have become, a citizen of Zambia in accordance with the provisions of subsection (1) of this section, become a citizen of Zambia on 24th October 1964.

4.—(1) Subject to the provisions of this section, any woman who, on 23rd October 1964, is or has been married to a person—

Persons  
entitled to be  
registered as  
citizens by  
virtue of  
connection  
with  
Northern  
Rhodesia.

(a) who becomes a citizen of Zambia by virtue of section 3 of this Constitution ; or

(b) who, having died before 24th October 1964 would, but for his death, have become a citizen of Zambia by virtue of that section,

shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia.

(2) Subject to the provisions of this section, any person who, on 23rd October 1964, is a citizen of the United Kingdom and Colonies, having become such a citizen by virtue of his having been naturalised or registered in the former Protectorate of Northern Rhodesia under the British Nationality Act 1948(a), shall be entitled, upon making application before such date and in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia :

Provided that any person who is under the age of twenty-one years (other than a woman who is or has been married) shall not be competent to make an application for registration under this subsection, but an application may be made on behalf of that person by his parent or guardian.

(3) Subject to the provisions of this section, any woman who—

(a) is on 23rd October 1964 married to a man who after that date becomes a citizen of Zambia ; or

(b) is on 23rd October 1964 married to a man who becomes entitled to be registered as a citizen of Zambia under subsection (2) of this section, but whose marriage is terminated after that date by death or dissolution and before that person exercises his right to be so registered,

shall be entitled, upon making application before such date and in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia.

(4) Subject to the provisions of this section, any woman who on 23rd October 1964 has been married to a person who becomes or would, but for his death, have become entitled to be registered as a citizen of Zambia under subsection (2) of this section, but whose marriage has been terminated by death or dissolution before 24th October 1964, shall be entitled, upon making application before such date and in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia.

(5) An application for registration as a citizen under this section shall not be made by or on behalf of any person who, under any law in force in Zambia, is adjudged or otherwise declared to be of unsound mind.

Persons born in Zambia after 23rd October 1964.

5. Every person born in Zambia after 23rd October 1964 shall become a citizen of Zambia at the date of his birth:

Provided that a person shall not become a citizen of Zambia by virtue of this section if at the time of his birth—

(a) neither of his parents is a citizen of Zambia and his father possesses such immunity from suit and legal process as is accorded to the envoy of a foreign sovereign power accredited to Zambia; or

(b) his father is a citizen of a country with which Zambia is at war and the birth occurs in a place then under occupation by that country.

Persons born outside Zambia after 23rd October 1964.

6. A person born outside Zambia after 23rd October 1964 shall become a citizen of Zambia at the date of his birth if at the date of his birth his father is a citizen of Zambia otherwise than by virtue of this section or section 3(2) of this Constitution.

Marriage to Zambia citizen after 23rd October 1964.

7. Any woman who is or has been married to a citizen of Zambia (the marriage having occurred after 23rd October 1964) shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia.

Persons entitled to be registered as Zambia citizens by virtue of connection with Zambia.

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

(a) has attained the age of twenty-one years or is a woman who is or has been married;

(b) is a Commonwealth citizen or a citizen of the Republic of Ireland or a citizen of any country in Africa to which this subsection applies; and

(c) has been ordinarily resident in Zambia for the prescribed period, shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia.

(2) Subject to the provisions of this section, any person who has attained the age of twenty-one years or is a woman who is or has been married shall be entitled, upon making application in such manner as may be prescribed by or under an Act of Parliament, to be registered as a citizen of Zambia if, at the date of his application, one of his parents is a citizen of Zambia.

(3) An application for registration as a citizen under this section shall not be made by or on behalf of any person who, under any law in force in Zambia, is adjudged or otherwise declared to be of unsound mind.

(4) The countries in Africa to which subsection (1) of this section applies (other than countries to which section 9 of this Constitution applies) are any countries which are for the time being declared by the Minister, by notice published in the Gazette, to be countries which permit citizens of Zambia to become citizens of those countries by registration.

(5) Any period during which a person was resident in the former Protectorate of Northern Rhodesia may, if that period was continuous until the commencement of this Order, be taken into account in determining whether that person has been resident in Zambia for the prescribed period.

(6) In this section "the prescribed period" in relation to any person, means the period of four years immediately preceding that person's application for registration.

9.—(1) Every person who under this Constitution or any Act of Parliament is a citizen of Zambia or under any enactment for the time being in force in any country to which this section applies is a citizen of that country shall, by virtue of that citizenship, have the status of a Commonwealth citizen. Commonwealth citizens.

(2) Every person who is a British subject without citizenship under the British Nationality Act 1948(a), or who continues to be a British subject under section 2 of that Act, shall, by virtue of that status, have the status of a Commonwealth citizen.

(3) Save as may be otherwise provided by Parliament, the countries to which this section applies are the United Kingdom and colonies, any country that on 23rd October 1964 is specified in section 1(3) of the British Nationality Act 1948 and any other country that may be prescribed by Parliament.

10.—(1) A citizen of any country to which section 9 of this Constitution applies and a citizen of any other country which the Minister may for the time being specify by notice published in the Gazette shall enjoy the same rights and privileges (being rights and privileges that, under this Constitution or any other law in force in Zambia, are enjoyed by citizens of Zambia other than any rights and privileges under section 61 or 66(1) of this Constitution) as a citizen of Zambia enjoys under the Constitution of the country concerned or under any other law in force in that country. Reciprocal privileges for citizens of other countries.

(2) In any proceedings to determine whether a citizen of any country other than Zambia should enjoy any right or privilege in Zambia by virtue of subsection (1) of this section, a certificate signed by the

(a) 11 & 12 Geo. 6. c. 56.

Minister shall be prima facie evidence on the question whether a citizen of Zambia enjoys that right or privilege under the Constitution of that other country or under any other law in force in that other country.

Powers of Parliament.

11.—(1) Parliament may make provision for the acquisition of citizenship of Zambia by persons who are not eligible or who are no longer eligible to become citizens of Zambia under the provisions of this Chapter.

(2) Parliament may make provision for depriving any person of his citizenship of Zambia :

Provided that a person who is a citizen by virtue of section 3(1), 5 or 6 of this Constitution shall not be deprived of his citizenship except upon the ground that he is a citizen of another country.

(3) Parliament may make provision for the renunciation by any person of his citizenship of Zambia.

(4) Parliament may provide that any period during which a person—

(a) has been detained in execution of a sentence of imprisonment imposed by any court in Zambia or in the former Protectorate of Northern Rhodesia ;

(b) has been a patient in a hospital or other institution for the care or treatment of persons of unsound mind ; or

(c) has the right to reside in Zambia or in the former Protectorate of Northern Rhodesia by virtue only of a temporary permit issued under the authority of any law relating to immigration,

shall not be taken into account in computing the prescribed period, for the purposes of section 8 of this Constitution, in relation to that person.

Interpretation.

12.—(1) In this Chapter—

“ the Minister ” means the Minister who is for the time being responsible for matters relating to citizenship of Zambia ;

“ British protected person ” means a person who is a British protected person for the purposes of the British Nationality Act 1948.

(2) For the purposes of this Chapter, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) Any reference in this Chapter to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death ; and where that death occurred before 23rd October 1964 and the birth occurred after 24th October 1964 the national status that the father would have had if he had died on 24th October 1964 shall be deemed to be his national status at the time of his death.

### CHAPTER III

#### PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

Fundamental rights and freedoms of the individual.

13. Whereas every person in Zambia is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but

subject to respect for the rights and freedoms of others and for the public interest to each and all of the following, namely—

- (a) life, liberty, security of the person and the protection of the law ;
  - (b) freedom of conscience, of expression and of assembly and association ; and
  - (c) protection for the privacy of his home and other property and from deprivation of property without compensation,
- the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.

14.—(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence under the law in force in Zambia of which he has been convicted. Protection of right to life.

(2) Without prejudice to any liability for a contravention of any other law with respect to the use of force in such cases as are hereinafter mentioned, a person shall not be regarded as having been deprived of his life in contravention of this section if he dies as the result of the use of force to such extent as is reasonably justifiable in the circumstances of the case—

- (a) for the defence of any person from violence or for the defence of property ;
  - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained ;
  - (c) for the purpose of suppressing a riot, insurrection or mutiny ; or
  - (d) in order to prevent the commission by that person of a criminal offence,
- or if he dies as the result of a lawful act of war.

15.—(1) No person shall be deprived of his personal liberty save as may be authorized by law in any of the following cases, that is to say— Protection of right to personal liberty.

- (a) in execution of the sentence or order of a court, whether established for Zambia or some other country, in respect of a criminal offence of which he has been convicted ;
- (b) in execution of the order of a court of record punishing him for contempt of that court or of a court inferior to it ;
- (c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law ;
- (d) for the purpose of bringing him before a court in execution of the order of a court ;
- (e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in Zambia ;
- (f) under the order of a court or with the consent of his parent or guardian, for his education or welfare during any period ending not later than the date when he attains the age of eighteen years ;



- (g) for the purpose of preventing the spread of an infectious or contagious disease ;
- (h) in the case of a person who is, or is reasonably suspected to be, of unsound mind, addicted to drugs or alcohol, or a vagrant, for the purpose of his care or treatment or the protection of the community ;
- (i) for the purpose of preventing the unlawful entry of that person into Zambia, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Zambia or for the purpose of restricting that person while he is being conveyed through Zambia in the course of his extradition or removal as a convicted prisoner from one country to another ; or
- (j) to such extent as may be necessary in the execution of a lawful order requiring that person to remain within a specified area within Zambia or prohibiting him from being within such an area, or to such extent as may be reasonably justifiable for the taking of proceedings against that person relating to the making of any such order, or to such extent as may be reasonably justifiable for restraining that person during any visit that he is permitted to make to any part of Zambia in which, in consequence of any such order, his presence would otherwise be unlawful.
- (2) Any person who is arrested or detained shall be informed as soon as reasonably practicable, in a language that he understands, of the reasons for his arrest or detention.
- (3) Any person who is arrested or detained—
- (a) for the purpose of bringing him before a court in execution of the order of a court ; or
- (b) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under the law in force in Zambia,
- and who is not released, shall be brought without undue delay before a court ; and if any person arrested or detained as mentioned in paragraph (b) of this subsection is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including in particular such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial.
- (4) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person.

Protection  
from slavery  
and forced  
labour.

- 16.—**(1) No person shall be held in slavery or servitude.
- (2) No person shall be required to perform forced labour.
- (3) For the purposes of this section, the expression “ forced labour ” does not include—
- (a) any labour required in consequence of the sentence or order of a court ;
- (b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained ;

- (c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service ;
- (d) any labour required during any period when the Republic is at war or a declaration under section 29 of this Constitution is in force or in the event of any other emergency or calamity that threatens the life and well-being of the community, to the extent that the requiring of such labour is reasonably justifiable in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation ; or
- (e) any labour reasonably required as part of reasonable and normal communal or other civic obligations.

**17.—(1)** No person shall be subjected to torture or to inhuman or degrading punishment or other treatment.

Protection from inhuman treatment.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorizes the infliction of any description of punishment that was lawful in the former Protectorate of Northern Rhodesia immediately before the coming into operation of this Constitution.

**18.—(1)** No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where the following conditions are satisfied, that is to say—

Protection from deprivation of property.

- (a) the taking of possession or acquisition is necessary or expedient—
  - (i) in the interests of defence, public safety, public order, public morality, public health, town and country planning or land settlement ; or
  - (ii) in order to secure the development or utilisation of that, or other, property for a purpose beneficial to the community ; and
- (b) provision is made by a law applicable to that taking of possession or acquisition—
  - (i) for the prompt payment of adequate compensation ; and
  - (ii) securing to any person having an interest in or right over the property a right of access to a court or other authority for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining prompt payment of that compensation.

(2) No person who is entitled to compensation under this section shall be prevented from remitting, within a reasonable time after he has received any amount of that compensation, the whole of that amount (free from any deduction, charge or tax made or levied in respect of its remission) to any country of his choice outside Zambia.

(3) Nothing contained in or done under the authority of any law

shall be held to be inconsistent with or in contravention of subsection (2) of this section to the extent that the law in question authorises—

(a) the attachment, by order of a court, of any amount of compensation to which a person is entitled in satisfaction of the judgment of a court or pending the determination of civil proceedings to which he is a party ; or

(b) the imposition of reasonable restrictions on the manner in which any amount of compensation is to be remitted.

(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1) of this section—

(a) to the extent that the law in question makes provision for the taking of possession or acquisition of any property—

(i) in satisfaction of any tax, rate or due ;

(ii) by way of penalty for breach of the law, whether under civil process or after conviction of a criminal offence under the law in force in Zambia ;

(iii) as an incident of a lease, tenancy, mortgage, charge, bill of sale, pledge or contract ;

(iv) in the execution of judgments or orders of a court in proceedings for the determination of civil rights or obligations ;

(v) in circumstances where it is reasonably necessary so to do because the property is in a dangerous state or injurious to the health of human beings, animals or plants ;

(vi) in consequence of any law with respect to the limitation of actions ; or

(vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, for the purposes of the carrying out thereon of work of soil conservation or the conservation of other natural resources or work relating to agricultural development or improvement (being work relating to such development or improvement that the owner or occupier of the land has been required, and has without reasonable excuse refused or failed, to carry out),

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society ; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of—

(i) enemy property ;

(ii) property of a deceased person, a person of unsound mind or a person who has not attained the age of eighteen years, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest therein ;

(iii) property of a person adjudged bankrupt or a body corporate in liquidation, for the purpose of its administration for the benefit of the creditors of the bankrupt or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property ; or

- (iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust.

(5) Nothing in this section shall be construed as affecting the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes in which no moneys have been invested other than moneys provided by Parliament.

19.—(1) Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises.

Protection for privacy of home and other property.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

- (a) that is reasonably required in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development and utilisation of mineral resources, or in order to secure the development or utilisation of any property for a purpose beneficial to the community ;
- (b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons ;
- (c) that authorises an officer or agent of the Government, a local government authority or a body corporate established by law for a public purpose to enter on the premises of any person in order to inspect those premises or anything thereon for the purpose of any tax, rate or due or in order to carry out work connected with any property that is lawfully on those premises and that belongs to that Government, authority or body corporate, as the case may be ; or
- (d) that authorises, for the purpose of enforcing the judgment or order of a court in any civil proceedings, the search of any person or property by order of a court or entry upon any premises by such order,

and except so far as that provision or, as the case may be, anything done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

20.—(1) If any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

Provisions to secure protection of law.

- (2) Every person who is charged with a criminal offence—
  - (a) shall be presumed to be innocent until he is proved or has pleaded guilty ;
  - (b) shall be informed as soon as reasonably practicable, in a language that he understands and in detail, of the nature of the offence charged ;
  - (c) shall be given adequate time and facilities for the preparation of his defence ;

(d) shall be permitted to defend himself before the court in person or, at his own expense, by a legal representative of his own choice ;

(e) shall be afforded facilities to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution ; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the charge,

and except with his own consent the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) When a person is tried for any criminal offence, the accused person or any person authorized by him in that behalf shall, if he so requires and subject to payment of such reasonable fee as may be prescribed by law, be given within a reasonable time after judgment a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court.

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have been imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial for that offence, save upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

(6) No person shall be tried for a criminal offence if he shows that he has been pardoned for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) No person shall be convicted of a criminal offence unless that offence is defined and the penalty therefor is prescribed in a written law :

Provided that nothing in this subsection shall prevent a court of record from punishing any person for contempt of itself notwithstanding that the act or omission constituting the contempt is not defined in a written law and the penalty therefor is not so prescribed.

(9) Any court or other adjudicating authority prescribed by law for the determination of the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial ; and where proceedings for such a determination are instituted by any person before such a court or other adjudicating authority, the case shall be given a fair hearing within a reasonable time.

(10) Except with the agreement of all the parties thereto, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other adjudicating authority, including the announcement of the decision of the court or other authority, shall be held in public.

(11) Nothing in the last foregoing subsection shall prevent the court or other adjudicating authority from excluding from the proceedings persons other than the parties thereto and their legal representatives to such extent as the court or other authority—

(a) may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice or in interlocutory proceedings ; or

(b) may be empowered by law to do so in the interests of defence, public safety, public order, public morality, the welfare of persons under the age of eighteen years or the protection of the private lives of persons concerned in the proceedings.

(12) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of—

(a) subsection (2)(a) of this section to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts ;

(b) subsection (2)(d) of this section to the extent that the law in question prohibits legal representation before a subordinate court in proceedings for an offence under African customary law (being proceedings against any person who, under that law, is subject to that law) ;

(c) subsection (2)(e) of this section to the extent that the law in question imposes reasonable conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds ;

(d) subsection (2) of this section to the extent that the law provides that—

(i) where the trial of any person for any offence prescribed by or under the law has been adjourned and the accused, having pleaded to the charge, fails to appear at the time fixed by the court for the resumption of his trial after the adjournment, the proceedings may continue notwithstanding the absence of the accused if the court, being satisfied that, having regard to all the circumstances of the case, it is reasonable so to do, so orders ; and

(ii) the court shall set aside any conviction or sentence pronounced in the absence of the accused in respect of that offence if the accused satisfies the court without undue delay that the cause of his absence was reasonable and that he had a valid defence to the charge ;

(e) subsection (2) of this section to the extent that the law provides that the trial of a body corporate may take place in the absence of any representative of the body corporate upon a charge in respect of which a plea of not guilty has been entered by the court ;

(f) subsection (5) of this section to the extent that the law in question authorizes a court to try a member of a disciplined

force for a criminal offence notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall in sentencing him to any punishment take into account any punishment awarded him under that disciplinary law.

(13) In the case of any person who is held in lawful detention, the provisions of subsection (1), subsection (2)(*d*) and (*e*) and subsection (3) of this section shall not apply in relation to his trial for a criminal offence under the law regulating the discipline of persons held in such detention.

(14) In its application to a body corporate subsection (2) of this section shall have effect as if the words "in person or" were omitted from paragraphs (*d*) and (*e*).

(15) In this section "criminal offence" means a criminal offence under the law in force in Zambia.

Protection of  
freedom of  
conscience.

21.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

(2) Except with his own consent (or, if he is a minor, the consent of his guardian) no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction, ceremony or observance relates to a religion other than his own.

(3) No religious community or denomination shall be prevented from providing religious instruction for persons of that community or denomination in the course of any education provided by that community or denomination.

(4) No person shall be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is reasonably required—

(*a*) in the interests of defence, public safety, public order, public morality or public health; or

(*b*) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practise any religion without the unsolicited intervention of members of any other religion,

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

Protection of  
freedom of  
expression.

22.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions without interference, freedom to receive ideas and

information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health ; or

(b) that is reasonably required for the purpose of protecting the reputations, rights and freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, regulating educational institutions in the interests of persons receiving instruction therein, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless, broadcasting or television ; or

(c) that imposes restrictions upon public officers, and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

23.—(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his interests.

Protection of freedom of assembly and association.

(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) that is reasonably required in the interests of defence, public safety, public order, public morality or public health ;

(b) that is reasonably required for the purpose of protecting the rights or freedoms of other persons ;

(c) that imposes restrictions upon public officers ; or

(d) for the registration of trades unions in a register established by or under a law and for imposing reasonable conditions relating to the procedure for entry on such a register (including conditions as to the minimum number of persons necessary to constitute a trade union qualified for registration),

and except so far as that provision or, as the case may be, the thing done under the authority thereof is shown not to be reasonably justifiable in a democratic society.

24.—(1) No person shall be deprived of his freedom of movement, and for the purposes of this section the said freedom means the right to move freely throughout Zambia, the right to reside in any part of Zambia, the right to enter Zambia and immunity from expulsion from Zambia.

Protection of freedom of movement.



(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held to be inconsistent with or in contravention of this section.

(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision—

(a) for the imposition of restrictions that are reasonably required in the interests of defence, public safety, public order, public morality, or public health or the imposition of restrictions on the acquisition or use by any person of land or other property in Zambia, and except so far as that provision or, as the case may be, the thing done under the authority thereof, is shown not to be reasonably justifiable in a democratic society;

(b) for the imposition of restrictions on the freedom of movement of any person who is not a citizen of Zambia;

(c) for the imposition of restrictions upon the movement or residence within Zambia of public officers; or

(d) for the removal of a person from Zambia to be tried outside Zambia for a criminal offence or to undergo imprisonment in some other country in execution of the sentence of a court in respect of a criminal offence under the law in force in Zambia of which he has been convicted.

(4) If any person whose freedom of movement has been restricted by virtue of such a provision as is referred to in subsection (3)(a) of this section so requests at any time during the period of that restriction not earlier than six months after the order was made or six months after he last made such request, as the case may be, his case shall be reviewed by an independent and impartial tribunal presided over by a person, qualified to be enrolled as an advocate in Zambia, appointed by the Chief Justice:

Provided that a person whose freedom of movement has been restricted by virtue of a restriction which is applicable to persons generally or to general classes of persons shall not make a request under this subsection unless he has first obtained the consent of the High Court.

(5) On any review by a tribunal in pursuance of this section of the case of a person whose freedom of movement has been restricted, the tribunal may make recommendations, concerning the necessity or expediency of continuing the restriction to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

**25.**—(1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any written law or in the performance of the functions of any public office or any public authority.

Protection  
from  
discrimination  
on the  
grounds of  
race, etc.

(3) In this section, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

(4) Subsection (1) of this section shall not apply to any law so far as that law makes provision—

- (a) for the appropriation of the general revenues of the Republic;
- (b) with respect to persons who are not citizens of Zambia ;
- (c) with respect to adoption, marriage, divorce, burial, devolution of property on death or other matters of personal law ;
- (d) for the application in the case of members of a particular race or tribe of customary law with respect to any matter to the exclusion of any law with respect to that matter which is applicable in the case of other persons ; or
- (e) whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is reasonably justifiable in a democratic society.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes reasonable provision with respect to qualifications for service as a public officer or as a member of a disciplined force or for the service of a local government authority or a body corporate established directly by any law.

(6) Subsection (2) of this section shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5) of this section.

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any restriction on the rights and freedoms guaranteed by sections 19, 21, 22, 23 and 24 of this Constitution, being such a restriction as is authorised by section 19(2), 21(5), 22(2), 23(2) or 24(3), as the case may be.

(8) Nothing in subsection (2) of this section shall affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.

(9) Nothing contained in or done under the authority of any law shall be held to be inconsistent with the provisions of this section—

- (a) if that law were in force immediately before the coming into operation of this Constitution and has continued in force at all times since the coming into operation of this Constitution ; or

(b) to the extent that the law repeals and re-enacts any provision which has been contained in any enactment at all times since immediately before the coming into operation of this Constitution.

Derogation  
from  
fundamental  
rights and  
freedoms.

**26.—**(1) Nothing contained in or done under the authority of an Act of Parliament shall be held to be inconsistent with or in contravention of section 15 or 25 of this Constitution to the extent that the Act authorizes the taking, during any period when the Republic is at war or any period when a declaration under section 29 of this Constitution is in force, of measures that are reasonably justifiable for the purpose of dealing with the situation that exists during that period.

(2) Where a person is detained by virtue of such an authorization as is referred to in subsection (1) of this section the following provisions shall apply—

(a) he shall, as soon as reasonably practicable and in any case not more than five days after the commencement of his detention, be furnished with a statement in writing in a language that he understands specifying in detail the grounds upon which he is detained ;

(b) not more than fourteen days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorized ;

(c) not more than one month after the commencement of his detention and thereafter during his detention at intervals of not more than six months, his case shall be reviewed by an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice ;

(d) he shall be afforded reasonable facilities to consult a legal representative of his own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person ;

(e) at the hearing of his case by the tribunal appointed for the review of his case he shall be permitted to appear in person or by a legal representative of his own choice.

(3) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations, concerning the necessity or expediency of continuing his detention, to the authority by which it was ordered but, unless it is otherwise provided by law, that authority shall not be obliged to act in accordance with any such recommendations.

(4) Nothing contained in subsection (2)(d) or (2)(e) of this section shall be construed as entitling a person to legal representation at the public expense.

Reference of  
certain  
matters to  
special  
tribunal.

**27.—**(1) Whenever—

(a) a request is made in accordance with subsection (2) of this section for a report on a bill or a statutory instrument ; or

(b) the Chief Justice considers it necessary for the purpose of determining claims for legal aid in respect of proceedings under section 28 of this Constitution,

the Chief Justice shall appoint a tribunal which shall consist of two persons selected by him from amongst persons who hold or have held the office of a judge of the High Court.

(2) A request for a report on a bill or a statutory instrument may be made by not less than seven members of the National Assembly by notice in writing delivered—

(a) in the case of a bill, to the Speaker within three days after the final reading of the bill in the Assembly ;

(b) in the case of a statutory instrument, to the authority having power to make the instrument within fourteen days of the publication of the instrument in the Gazette.

(3) Where a tribunal is appointed under this section for the purposes of reporting on a bill or a statutory instrument, the tribunal shall, within the prescribed period, submit a report to the President and to the Speaker of the National Assembly stating—

(a) in the case of a bill, whether or not in the opinion of the tribunal any, and if so which, provisions of the bill would, if enacted, be inconsistent with this Chapter of this Constitution ;

(b) in the case of a statutory instrument, whether or not in the opinion of the tribunal any, and if so which, provisions of the instrument are inconsistent with this Chapter of this Constitution,

and, if the tribunal reports that any provision would be or is inconsistent with this Chapter of this Constitution, the grounds upon which the tribunal has reached that conclusion :

Provided that if the tribunal considers that the request for a report on a bill or statutory instrument is merely frivolous or vexatious, it may so report to the President without entering further upon the question whether the bill or statutory instrument would be or is inconsistent with this Chapter of this Constitution.

(4) Where a tribunal is appointed under this section for the purpose of determining claims for legal aid, the tribunal may grant to any person who satisfies them that—

(a) he intends to bring or is an applicant in proceedings under section 28(1) or 28(4) of this Constitution ;

(b) he has reasonable grounds for bringing the application ; and

(c) he cannot afford to pay for the cost of the application, a certificate that the application is a proper case to be determined at the public expense :

Provided that paragraph (c) of this subsection shall not apply in any case where the application relates to the validity of a provision of law in respect of which a tribunal has reported that it would be or is inconsistent with this Chapter of this Constitution or where it appears to the tribunal that issues are or will be raised in the application which are of general public importance.

(5) Where a certificate is granted to any person by a tribunal in pursuance of subsection (4) of this section there shall be paid to that person out of the general revenues of the Republic such amount as the court by which the application is heard may assess as the costs reasonably incurred by that person in connection with the application ; and the sums required for making such payment shall be a charge on the general revenues of the Republic.

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

(a) the costs incurred in an application shall include the cost of obtaining the advice of a legal representative and, if necessary, the

cost of representation by a legal representative in any court in steps preliminary or incidental to the application ;

(b) in assessing the costs reasonably incurred by a person in an application regard shall be had to costs awarded against that person or recovered by him in those proceedings.

(7) In this section "prescribed period" means—

(a) in relation to a bill the period commencing from the appointment of the tribunal to report upon the bill and ending thirty days thereafter or if the Speaker, on the application of the tribunal, considers that owing to the length or complexity of the bill thirty days is insufficient for consideration of the bill, ending on such later day as the Speaker may determine ;

(b) in relation to a statutory instrument the period of forty days commencing from the publication of the instrument in the Gazette.

(8) Nothing in subsection (1), (2) or (3) of this section shall apply to a bill for the appropriation of the general revenues of the Republic or a bill containing only proposals for expressly altering this Constitution or the Order to which this Constitution is scheduled.

(9) References in this section to a statutory instrument are references to a statutory instrument made after the coming into operation of this Constitution under the authority of any Act of Parliament or any law enacted by any legislature established for the former Protectorate of Northern Rhodesia, or under the authority of any Act of the Parliament of the United Kingdom or any Order of Her Majesty in Council having effect as part of the law of Zambia.

Enforcement  
of protective  
provisions.

28.—(1) Subject to the provisions of subsection (6) of this section, if any person alleges that any of the provisions of sections 13 to 26 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the High Court for redress.

(2) The High Court shall have original jurisdiction—

(a) to hear and determine any application made by any person in pursuance of subsection (1) of this section ;

(b) to determine any question arising in the case of any person which is referred to it in pursuance of subsection (3) of this section,

and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing or securing the enforcement of any of the provisions of sections 13 to 26 (inclusive) of this Constitution.

(3) If in any proceedings in any subordinate court any question arises as to the contravention of any of the provisions of sections 13 to 26 (inclusive) of this Constitution, the person presiding in that court may, and shall if any party to the proceedings so requests, refer the question to the High Court unless, in his opinion, the raising of the question is merely frivolous or vexatious.

(4) Any person aggrieved by any determination of the High Court under this section may appeal therefrom to the Court of Appeal :

Provided that no appeal shall lie from a determination of the High Court under this section dismissing an application on the ground that it is frivolous or vexatious.

(5) No application shall be brought under subsection (1) of this section on the grounds that the provisions of sections 13 to 26 (inclusive) of this Constitution are likely to be contravened by reason of proposals contained in any bill which, at the date of the application, has not become a law.

(6) Parliament may confer upon the Court of Appeal or the High Court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.

(7) Rules of court making provision with respect to the practice and procedure of the High Court for the purpose of this section may be made by the person or authority for the time being having power to make rules of court with respect to the practice and procedure of that court generally.

**29.—(1)** The President may, at any time, by Proclamation published in the Gazette, declare that—

Declarations relating to emergencies or threatened emergencies.

(a) a state of public emergency exists ; or

(b) a situation exists which, if it is allowed to continue, may lead to a state of public emergency.

(2) A declaration under subsection (1) of this section, if not sooner revoked, shall cease to have effect—

(a) in the case of a declaration made when Parliament is sitting or has been summoned to meet within five days, at the expiration of a period of five days beginning with the date of publication of the declaration ;

(b) in any other case, at the expiration of a period of twenty-one days beginning with the date of publication of the declaration, unless, before the expiration of that period, it is approved by a resolution passed by the National Assembly.

(3) Subject to the provisions of subsection (4) of this section, a declaration approved by resolution of the National Assembly under subsection (2) of this section shall continue in force until the expiration of a period of six months beginning with the date of its being so approved or until such earlier date as may be specified in the resolution :

Provided that the National Assembly may, by resolution, extend its approval of the declaration for periods of not more than six months at a time.

(4) The National Assembly may by resolution at any time revoke a declaration approved by the Assembly under this section.

**30.—(1)** In this Chapter, unless the context otherwise requires—

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

“court” means any court of law having jurisdiction in Zambia, other than a court established by a disciplinary law, and includes the Judicial Committee and in sections 14 and 16 of this Constitution a court established by a disciplinary law ;

Interpretation and savings.

“disciplinary law” means a law regulating the discipline of any disciplined force ;

“disciplined force” means—

- (a) a naval, military or air force ;
- (b) the Zambia Police Force ; or
- (c) any other police force established by or under an Act of Parliament ;

“legal representative” means a person entitled to practise in Zambia as an advocate ;

“member”, in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) In relation to any person who is a member of a disciplined force raised under the law of Zambia, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 14, 16 and 17.

(3) In relation to any person who is a member of a disciplined force raised otherwise than as aforesaid and lawfully present in Zambia, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter.

## CHAPTER IV

### THE EXECUTIVE

#### PART I

##### *The President and the Vice President*

**The office of President.** 31. There shall be a President of the Republic of Zambia who shall be the Head of State.

**First President.** 32.—(1) The first President shall be Kenneth David Kaunda.

(2) The first President shall be deemed to have assumed office at the coming into operation of this Constitution.

**Election of President after dissolution of Parliament.** 33.—(1) Whenever Parliament is dissolved an election shall be held to the office of President in such manner as is prescribed by this section and, subject thereto, by or under an Act of Parliament.

(2) A person shall be qualified for election as President if, and shall not be so qualified unless, he—

- (a) is a citizen of Zambia ;
- (b) has attained the age of thirty years ; and
- (c) is qualified as a voter for the purposes of elections to the National Assembly.

(3) Nominations in the election of a President shall be delivered to the returning officer on such day and at such time as may be prescribed by or under an Act of Parliament ; the nomination of a candidate in an election of a President shall not be valid unless it is supported, in such manner as may be prescribed by or under an Act of Parliament, by not less than one thousand persons registered as voters for the purposes of elections to the National Assembly.

(4) Where, at the expiration of the time for the delivery of nominations, only one qualified candidate is validly nominated in an election of a President the returning officer shall declare him to be elected and where, at the expiration of that time, more than one qualified candidate is validly nominated the following provisions shall apply—

- (a) every person nominated as a Parliamentary candidate shall, at the time of his nomination, declare in such manner as may be prescribed by or under an Act of Parliament which of the candidates in the election of President he supports and if he does not so declare his nomination as a Parliamentary candidate shall be void ;
- (b) a candidate in an election of President may enter upon the nomination paper of any Parliamentary candidate, if so requested by the candidate, his endorsement of that person's candidature but the nomination of a Parliamentary candidate shall be valid notwithstanding that the nomination paper is not so endorsed ;
- (c) where the Parliamentary election is contested in any constituency a poll shall be taken in that constituency at which the votes shall be given by ballot and the ballot papers shall be in such form as to disclose both the names of the Parliamentary candidates and the name of the candidate for President which each of the Parliamentary candidates supports ;
- (d) the returning officer shall declare to be elected as President the candidate who receives the greatest number of valid votes cast in the Parliamentary election ;
- (e) for the purpose of determining the number of votes cast for a candidate for election as President, every valid vote cast in favour of a Parliamentary candidate shall be reckoned as a vote for the candidate for President which that Parliamentary candidate supports and in any constituency in which no poll is required to be taken the Parliamentary candidate declared elected shall be deemed to have received the valid votes of all persons registered as voters in that constituency for the purposes of elections to the National Assembly ;
- (f) where there is an equality of votes entitling more than one candidate to be declared elected under paragraph (d) of this subsection, one of those candidates shall be selected as President in such manner as Parliament may prescribe ;
- (g) the returning officer may declare the result of the election of President, notwithstanding that any question relating to the Parliamentary election in any constituency has not been finally determined, if he is satisfied that any candidate for President has received the votes of more than half of the number of all the persons registered in Zambia as voters for the purposes of elections to the National Assembly.

(5) Where, at the expiration of the time for the delivery of nominations in an election of a President, no qualified candidate is validly nominated a fresh election of a President shall be commenced and held in the manner provided by the foregoing provisions of this section.

(6) Where, at the expiration of the time for the delivery of nominations in the election of a President, more than one qualified candidate is validly nominated and any of those candidates dies before the commencement of the poll in the Parliamentary election, the poll in the Parliamentary election shall be countermanded, fresh nominations of



Parliamentary candidates shall take place in every constituency and a fresh election of a President shall be held in accordance with the foregoing provisions of this section.

(7) Where—

(a) any candidate in an election of a President dies during the period commencing with the taking of the poll in the Parliamentary election and ending when the results of the election have been ascertained and that candidate would, but for his death, have been entitled to have been declared elected as President under subsection (4) of this section by reason of the number of votes he received ; or

(b) any person who has been declared elected as President under this section dies before he assumes the office of President,

the new National Assembly shall meet on such day (not being more than fourteen days after the result of the election is ascertained or, as the case may be, the death of the person declared elected) as the Speaker shall appoint and shall elect a person to the office of President in such manner as is prescribed by section 37(3) of this Constitution and subject thereto by Parliament.

(8) A person elected to the office of President under this section shall assume that office on the day upon which he is declared elected.

(9) In this section—

“Parliamentary candidate” means a candidate in the Parliamentary election ;

“the Parliamentary election” means the general election to elect a new National Assembly following any dissolution of Parliament ;

“the returning officer” means the returning officer specified in section 40 of this Constitution.

Tenure of  
office of  
President.

**34.** A person assuming the office of President in accordance with the provisions of this Constitution shall, unless he ceases to hold office by virtue of the provisions of section 35 or 36 of this Constitution or resigns, continue in office until the person elected at the next election of President following a dissolution of Parliament assumes office.

Removal of  
President on  
grounds of  
incapacity..

**35.—(1)** If the Cabinet resolves, upon a motion supported by the votes of a majority of all the members of the Cabinet, that the question of the mental or physical capacity of the President to discharge the functions of his office ought to be investigated and so informs the Chief Justice, the Chief Justice shall appoint a board consisting of not less than three persons selected by him from among persons who are qualified as medical practitioners under the law of Zambia or under the law of any other country in the Commonwealth, and the board shall inquire into the matter and shall make a report to the Chief Justice stating the opinion of the board whether or not the President is, by reason of any infirmity of body or mind, incapable of discharging the functions of his office.

(2) If the board reports that the President is incapable of discharging the functions of the office of President, the Chief Justice shall certify in writing accordingly and thereupon the President shall cease to hold office.

(3) Where the Cabinet resolves that the question of the mental or physical capacity of the President to discharge the functions of his office should be investigated the President shall, until another person assumes the office of President or the board appointed in pursuance of subsection (1) of this section reports that the President is not incapable of discharging the functions of his office (whichever is the earlier), cease to perform the functions of his office and those functions shall be performed by—

(a) the Vice President ; or

(b) during any period when there is no Vice President or the Vice President is absent from Zambia or is unable, by reason of mental or physical infirmity, to discharge the functions of his office, by such Minister as the Cabinet shall appoint :

Provided that any person performing the functions of the office of President under this subsection shall not exercise the powers of the President to revoke the appointment of the Vice President or to dissolve Parliament.

(4) A motion for the purposes of subsection (1) of this section may be proposed at any meeting of the Cabinet by any member thereof.

(5) For the purposes of this section, a certificate of the Chief Justice that the Vice President is, by reason of physical or mental infirmity, unable to discharge the functions of his office shall, in respect of any period for which it is in force, be conclusive and shall not be questioned in any court.

36.—(1) If notice in writing is given to the Speaker of the National Assembly, signed by not less than one third of all the members of the Assembly, of a motion alleging that the President has committed any violation of the Constitution or any gross misconduct and specifying the particulars of the allegations and proposing that a tribunal be established under this section to investigate those allegations, the Speaker shall—

Removal of President for violation of Constitution or gross misconduct.

(a) if Parliament is then sitting or has been summoned to meet within five days, cause the motion to be considered by the Assembly within seven days of the notice ; or

(b) if Parliament is not then sitting (and notwithstanding that it may be prorogued), summon the Assembly to meet within twenty-one days of the notice and cause the motion to be considered at that meeting.

(2) Where a motion under this section is proposed for consideration by the National Assembly, the Assembly shall not debate the motion but the person presiding in the Assembly shall forthwith cause a vote to be taken on the motion and, if the motion is supported by the votes of not less than two-thirds of all the members of the Assembly, shall declare the motion to be passed.

(3) If a motion is declared to be passed under subsection (2) of this section—

(a) the Chief Justice shall appoint a tribunal which shall consist of a Chairman and not less than two other members selected by the Chief Justice from among persons who hold or have held high judicial office ;

(b) the tribunal shall investigate the matter and shall report to the National Assembly whether they find the particulars of the allegations specified in the motion to have been substantiated ;

(c) the President shall have the right to appear and be represented before the tribunal during its investigation of the allegations against him.

(4) If the tribunal report to the National Assembly that the tribunal finds that the particulars of any allegation against the President specified in the motion have not been substantiated no further proceedings shall be taken under this section in respect of that allegation.

(5) If the tribunal report to the National Assembly that the tribunal finds that the particulars of any allegation specified in the motion have been substantiated the Assembly may, on a motion supported by the votes of not less than three-quarters of all the members of the Assembly, resolve that the President has been guilty of such violation of the Constitution or, as the case may be, such gross misconduct as is incompatible with his continuance in office as President and, if the Assembly so resolves, the President shall cease to hold office upon the third day following the passage of the resolution unless he sooner dissolves Parliament.

(6) No proceedings shall be taken or continued under this section at any time when Parliament is dissolved.

Vacancy in  
office of  
President.

**37.—(1)** If the office of President becomes vacant by reason of the death or resignation of the President or by reason of the President ceasing to hold office by virtue of section 35 or 36 of this Constitution, the Vice President shall assume the office of President.

(2) If the office of President becomes vacant as aforesaid in circumstances in which there is no Vice President—

(a) until a President assumes office in accordance with this section or section 33 of this Constitution the functions of the office of President shall be performed by such Minister as the Cabinet shall appoint ;

(b) unless Parliament is dissolved and notwithstanding that it may be prorogued, the National Assembly shall meet on the seventh day after the office of President becomes vacant, or on such earlier day as may be appointed by the Speaker, and shall elect a person qualified in accordance with section 33(2) of this Constitution to the office in such manner as is prescribed by this section and, subject thereto, by Parliament ;

(c) a person elected as President under this section shall assume the office of President on the day upon which he is declared to be elected.

(3) In an election of a President under this section—

(a) the names of the candidate or candidates for election shall be submitted for the approval of the National Assembly ;

(b) the votes of the members of the Assembly shall be given by ballot in such manner as not to disclose how any particular member voted and where no candidate has received the number of votes entitling him to be declared elected at any ballot a further ballot or ballots shall be taken until a candidate is declared elected ;

(c) the candidate who receives the votes of a majority of all the members of the Assembly in a ballot shall be declared elected :

Provided that, if after two ballots have been taken no candidate is declared elected, the candidate who, at any subsequent ballot, receives the votes of the majority of the members of the Assembly present and voting in the election shall be declared elected.

38.—(1) Whenever the President is absent from Zambia or considers it desirable so to do by reason of illness or any other cause he may by directions in writing, authorise the Vice President to discharge such of the functions of the office of President as he may specify and the Vice President may discharge those functions until his authority is revoked by the President.

Discharge of functions of President during absence illness etc.

(2) If the President is incapable by reason of physical or mental infirmity of discharging the functions of his office and the infirmity is of such a nature that the President is unable to authorise another person under this section to perform those functions—

(a) the Vice President ; or

(b) during any period when there is no Vice President or the Vice President is absent from Zambia or the Vice President is, by reason of physical or mental infirmity, unable to perform the functions of his office, such Minister as the Cabinet shall appoint,

shall perform the functions of the office of President :

Provided that any person performing the functions of the office of President under this subsection shall not exercise the powers of the President to revoke the appointment of the Vice President or to dissolve Parliament.

(3) Any person performing the functions of the office of President by virtue of subsection (2) of this section shall cease to perform those functions if he is notified by the President that the President is about to resume those functions.

(4) For the purposes of this section, a certificate of the Chief Justice that—

(a) the President is incapable by reason of physical or mental infirmity of discharging the functions of his office and the infirmity is of such a nature that the President is unable to authorise another person under this section to perform the functions of his office ; or

(b) the Vice President is by reason of physical or mental infirmity unable to discharge the functions of his office,

shall, in respect of any period for which it is in force, be conclusive and shall not be questioned in any court :

Provided that any such certificate as is referred to in paragraph (a) of this subsection shall cease to have effect if the President notifies any person under subsection (3) of this section that he is about to resume the functions of the office of President.

39. A person assuming the office of President shall, before entering upon the office, take and subscribe such oaths as may be prescribed by Parliament.

Oath of President.

40.—(1) The Chief Justice shall be the returning officer for the purposes of elections to the office of President.

Returning officer at elections of President.

(2) Any question which may arise as to whether—

- (a) any provision of this Constitution or any law relating to the election of a President under section 33 or 37(2) of this Constitution has been complied with ; or
- (b) any person has been validly elected as President under those sections,

shall be referred to and determined by the returning officer whose decision shall not be questioned in any court.

Vice-  
President.

**41.—(1)** There shall be a Vice-President of the Republic of Zambia who shall be appointed by the President from among the members of the National Assembly :

Provided that if occasion arises for making an appointment to the office of Vice-President while Parliament is dissolved any person who was a member of the Assembly before the dissolution may be appointed as Vice-President.

(2) The Vice-President shall continue in office until a person elected at the next election of President under section 33 or 37 of this Constitution assumes office :

Provided that the office of Vice-President shall become vacant—

- (a) if the appointment of the holder of the office is revoked by the President ;
- (b) if the holder of the office ceases to be a member of the National Assembly for any other reason than a dissolution of Parliament ;  
or
- (c) if the holder of the office assumes the office of President in accordance with the provisions of section 37(1) of this Constitution.

(3) The Vice-President shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

(4) If the Vice President is absent from Zambia or is incapable by reason of illness or any other cause of discharging the functions of his office, the President may appoint a person, from among the members of the National Assembly, to perform the functions of the office of Vice President and any person so appointed may discharge those functions accordingly :

Provided that a person appointed under this subsection shall cease to perform the functions of the office of Vice President—

- (a) if his appointment is revoked by the President ;
- (b) if he ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament ; or
- (c) upon the assumption by any person of the office of President.

(5) Where the Vice-President is performing the functions of the office of President in accordance with section 35 or 38 of this Constitution he may appoint a person, from among the members of the National Assembly, to perform the functions of the office of Vice-President and any person so appointed may discharge those functions accordingly :

Provided that a person appointed under this subsection shall cease to perform the functions of the office of Vice-President—

- (a) if his appointment is revoked by the Vice-President ;
- (b) if he ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament ; or
- (c) if the Vice-President ceases to perform the functions of the office of President.

42.—(1) The President shall receive such salary and allowances as may be prescribed by resolution of the National Assembly which shall be a charge on the general revenues of the Republic. Salary and allowances of President.

(2) The salary and allowances of the President shall not be altered to his disadvantage during his period of office.

(3) A person who has held the office of President shall receive such pension or, upon the expiration of his term of office, such gratuity as may be prescribed by resolution of the National Assembly, which shall be a charge on the general revenues of the Republic.

43.—(1) Whilst any person holds or performs the function of the office of President no criminal proceedings shall be instituted or continued against him in respect of anything done or omitted to be done by him either in his official capacity or in his private capacity and no civil proceedings shall be instituted or continued in respect of which relief is claimed against him in respect of anything done or omitted to be done in his private capacity. Protection of President in respect of legal proceedings.

(2) Where provision is made by law limiting the time within which proceedings of any description may be brought against any person, the term of any person in the office of President shall not be taken into account in calculating any period of time prescribed by that law which determines whether any such proceedings as are mentioned in subsection (1) of this section may be brought against that person.

## PART 2

### *The Cabinet*

44.—(1) There shall be such offices of Minister of the Government (not exceeding fourteen in number) and such offices of junior Minister as may be established by Parliament or, subject to the provisions of any Act of Parliament, by the President. Ministers and junior Ministers.

(2) Appointments to the office of Minister or junior Minister shall be made by the President from among the members of the National Assembly:

Provided that if occasion arises for making an appointment to the office of a Minister or a junior Minister while Parliament is dissolved a person who was a member of the Assembly before the dissolution may be appointed as a Minister or a junior Minister.

(3) The office of a Minister or a junior Minister shall become vacant—

- (a) if the holder of the office ceases to be a member of the National Assembly otherwise than by reason of a dissolution of Parliament ;
- (b) if the holder of the office is removed from office by the President ;  
or
- (c) upon the assumption by any person of the office of President.

Cabinet.

**45.—(1)** There shall be a Cabinet which shall consist of the Vice-President and the Ministers.

(2) There shall preside at meetings of the Cabinet—

(a) the President ;

(b) in the absence of the President, the Vice-President ; or

(c) in the absence of the President and the Vice-President, such Minister as the President may designate.

(3) The Cabinet may act notwithstanding any vacancy in its membership.

Oaths to be taken by Ministers and junior Ministers.

**46.** A Minister or a junior Minister shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Secretary to Cabinet.

**47.—(1)** There shall be a Secretary to the Cabinet whose office shall be a public office.

(2) The Secretary to the Cabinet shall have charge of the Cabinet Office and shall be responsible, in accordance with such instructions as may be given him by the President, for arranging the business for, and keeping the minutes of, the Cabinet and for conveying decisions of the Cabinet to the appropriate person or authority, and shall have such other functions as the President may from time to time direct.

### PART 3

#### *Executive Functions*

Functions of President.

**48.—(1)** The executive power of the Republic shall vest in the President and, subject to the provisions of this Constitution, shall be exercised by him either directly or through officers subordinate to him.

(2) In the exercise of any function conferred upon him by this Constitution or any other law the President shall, unless it is otherwise provided, act in his own deliberate judgment and shall not be obliged to follow the advice tendered by any other person or authority.

(3) Nothing in this section shall prevent Parliament from conferring functions on persons or authorities other than the President.

Command of armed forces.

**49.—(1)** The supreme command of the armed forces of the Republic shall vest in the President and he shall hold the office of Commander in Chief.

(2) The powers conferred on the President by subsection (1) of this section shall include—

(a) the power to determine the operational use of the armed forces ;

(b) the power to appoint members of the armed forces, to make appointments on promotion to any office in the armed forces and to dismiss any member of the armed forces.

(3) The President may, by directions in writing and subject to such conditions as he may think fit, delegate to any member of the armed forces any of the powers mentioned in subsection (2) of this section.

(4) Parliament may regulate the exercise of the powers conferred by or under this section.

**50.** The Vice-President shall be the principal assistant of the President in the discharge of his executive functions and the leader of government business in the National Assembly, and shall be responsible, under the directions of the President, for such business of the government of Zambia (including the administration of any department of Government) as the President may assign to him.

Functions of  
Vice-  
President.

**51.—(1)** The Cabinet shall be responsible for advising the President with respect to the policy of the Government and with respect to such other matters as may be referred to it by the President.

Functions of  
Cabinet,  
Ministers  
and junior  
Ministers.

(2) A Minister shall be responsible, under the direction of the President, for such business of the government of Zambia (including the administration of any department of Government) as the President may assign to him.

(3) A junior Minister shall—

(a) assist the President or the Vice President in the discharge of such of the functions of the office of President or Vice President as the President may specify ; or

(b) assist such Minister in the discharge of the functions assigned to him under subsection (2) of this section as the President may specify.

**52.—(1)** There shall be an Attorney-General of the Republic who shall be appointed by the President and shall be the principal legal adviser to the Government.

Attorney-  
General.

(2) A person shall not be qualified to be appointed to the office of Attorney-General unless he is qualified to be appointed to the office of a judge of the High Court.

(3) The office of the Attorney-General shall become vacant—

(a) if the holder of the office is removed from office by the President ;  
or

(b) upon the assumption by any person of the office of President.

(4) In the exercise of the power to give directions to the Director of Public Prosecutions conferred by section 53(6) of this Constitution the Attorney-General shall not be subject to the direction or control of any other person or authority.

**53.—(1)** There shall be a Director of Public Prosecutions of the Republic, whose office shall be a public office.

Director of  
Public  
Prosecutions.

(2) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do—

(a) to institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person ;

(b) to take over and continue any such criminal proceedings that have been instituted or undertaken by any other person or authority ; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.



(3) The powers of the Director of Public Prosecutions under subsection (2) of this section may be exercised by him in person or by such public officers or class of public officers as may be specified by him acting in accordance with his general or special instructions:

Provided that nothing in this subsection shall preclude the representation of the Director of Public Prosecutions before any court by a legal practitioner.

(4) The powers conferred on the Director of Public Prosecutions by subsections (2)(b) and (c) of this section shall be vested in him to the exclusion of any other person or authority:

Provided that where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority and with the leave of the court.

(5) For the purposes of this section, any appeal from any judgment in any criminal proceedings before any court, or any case stated or question of law reserved for the purpose of any such proceedings, to any other court in Zambia or to the Judicial Committee shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by subsection (2)(c) of this section shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved at the instance of such a person.

(6) In the exercise of the powers conferred on him by this section, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority:

Provided that where the exercise of any such power in any case may, in the judgment of the Director, involve general considerations of public policy the Director shall bring the case to the notice of the Attorney-General and shall, in the exercise of his powers in relation to that case, act in accordance with any directions of the Attorney-General.

Prerogative  
of mercy.

**54.** The President may—

- (a) grant to any person convicted of any offence a pardon, either free or subject to lawful conditions;
- (b) grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;
- (c) substitute a less severe form of punishment for any punishment imposed on any person for any offence; and
- (d) remit the whole or part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the Government on account of any offence.

Advisory  
committee.

**55.**—(1) There shall be an advisory committee on the Prerogative of Mercy which shall consist of such persons as may be appointed by the President.

(2) The President may appoint different persons to the advisory committee for the purposes of advising him in relation to persons convicted by courts-martial and for the purposes of advising him in relation to persons convicted by other courts.

(3) A member of the advisory committee shall hold office during the pleasure of the President.

(4) Where any person has been sentenced to death for any offence the President shall cause the question of the exercise, in relation to that person, of the powers conferred by section 54 of this Constitution, to be considered at a meeting of the advisory committee.

(5) Subject to the provisions of subsection (4) of this section, the President may refer to the advisory committee any question as to the exercise of the powers conferred upon him by section 54 of this Constitution.

(6) The President, if present, shall preside at any meeting of the advisory committee.

(7) The President may determine the procedure of the advisory committee.

56. Subject to the provisions of this Constitution and of any Act of Parliament, the powers of constituting and abolishing offices for the Republic shall vest in the President. Constitution of offices.

## CHAPTER V

### PARLIAMENT

#### PART I

#### *Composition*

57. The legislative power of the Republic shall vest in the Parliament of Zambia which shall consist of the President and a National Assembly. Legislative power.

58.—(1) The National Assembly shall consist of—

(a) seventy-five elected members ;

(b) such nominated members as may be appointed under section 60 of this Constitution.

Composition of National Assembly.

(2) If a person who is not a member of the National Assembly is elected to the office of Speaker of the Assembly that person shall, by virtue of holding that office, be a member of the Assembly in addition to the members referred to in subsection (1) of this section.

59. Subject to the provisions of this Constitution, the elected members of the National Assembly shall be elected in such manner as may be prescribed by or under an Act of Parliament. Elected members.

60. The President may appoint as nominated members of the National Assembly such persons, not exceeding five in number, as he considers desirable in the public interest in order to enhance the representative character of the Assembly or to obtain the service as a member of the Assembly of any person who, by reason of his special qualifications, would be of special value as such a member. Nominated members.

61. Subject to the provisions of section 62 of this Constitution, a person shall be qualified to be elected as a member of the National Assembly if, and shall not be qualified to be so elected unless,—

(a) he is a citizen of Zambia ; and

(b) he has attained the age of twenty-one years.

Qualifications for election to National Assembly.

Disqualifica-  
tions for  
election to  
National  
Assembly.

**62.—(1)** No person shall be qualified to be elected as a member of the National Assembly who—

- (a) is under a declaration of allegiance to some country other than Zambia ;
- (b) is, under any law in force in Zambia, adjudged or otherwise declared to be of unsound mind ;
- (c) is under sentence of death imposed on him by any court in Zambia or the former Protectorate of Northern Rhodesia or a sentence of imprisonment (by whatever name called) imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court ; or
- (d) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in Zambia.

(2) No person who holds the office of President shall be qualified for election as a member of the National Assembly.

(3) Parliament may provide that a person who holds or is acting in any office that is specified by Parliament and the functions of which involve responsibility for, or in connection with, the conduct of any election to the National Assembly or the compilation of any register of voters for the purposes of such an election shall not be qualified to be elected as a member of the Assembly.

(4) Parliament may provide that a person who is convicted by any court of any offence that is prescribed by Parliament and that is connected with elections of the members of the National Assembly or who is reported guilty of such an offence by the court trying an election petition shall not be qualified to be nominated for election as a member of the Assembly for such period (not exceeding five years) following his conviction or, as the case may be, following the report of the court as may be so prescribed.

(5) Parliament may provide that, subject to such exceptions and limitations (if any) as may be prescribed, a person shall be disqualified for membership of the National Assembly by virtue of—

- (a) his holding or acting in any office or appointment that may be prescribed ;
- (b) his belonging to any of the armed forces of Zambia that may be prescribed ; or
- (c) his belonging to any police force.

(6) In this section the reference to a sentence of imprisonment shall be construed as not including a sentence of imprisonment the execution of which is suspended or a sentence of imprisonment imposed in default of payment of a fine.

Speaker.

**63.—(1)** There shall be a Speaker of the National Assembly who shall be elected by the members of the Assembly from among persons who are members of the Assembly or who are qualified to be elected as such.

(2) The President, the Vice-President, a Minister, a junior Minister or any person holding or acting in any office that is prescribed by or under an Act of Parliament shall not be qualified to be elected as Speaker.

**(3) The Speaker shall vacate his office—**

(a) if, having been elected from among the members of the National Assembly, he ceases to be a member of the Assembly otherwise than by reason of a dissolution of the Assembly ;

(b) if any circumstances arise that, if he were not Speaker, would disqualify him for election as such ;

(c) when the Assembly first sits after any dissolution of Parliament ;  
or

(d) if the Assembly resolves, upon a motion supported by the votes of not less than two-thirds of all the members thereof, that he should be removed from office.

(4) No business shall be transacted in the National Assembly (other than an election to the office of Speaker) at any time when the office of Speaker is vacant.

**64.—(1)** There shall be a Deputy Speaker of the National Assembly who shall be elected from among the persons who are members of the Assembly other than the Vice-President, Ministers, junior Ministers or persons holding or acting in any office that is prescribed by or under an Act of Parliament. Deputy Speaker.

(2) The members of the National Assembly shall elect a person to the office of Deputy Speaker when the Assembly first sits after any dissolution of Parliament and, if the office becomes vacant otherwise than by reason of the dissolution of Parliament, at the first sitting of the Assembly after the office becomes vacant.

**(3) The Deputy Speaker shall vacate his office—**

(a) if he ceases to be a member of the National Assembly ;

(b) if he assumes the office of President or becomes the Vice-President, a Minister, a junior Minister or a person holding or acting in any office prescribed under subsection (1) of this section ;

(c) if he is elected as Speaker ; or

(d) if the Assembly resolves that he should be removed from office.

**65.—(1)** Every elected member of the National Assembly shall vacate his seat in the Assembly upon a dissolution of Parliament.

(2) An elected member of the National Assembly shall vacate his seat in the Assembly—

Tenure of  
office of  
members of  
National  
Assembly.

(a) if he ceases to be a citizen of Zambia ;

(b) if he assumes the office of President ;

(c) if he is sentenced by a court in Zambia to death or to imprisonment (by whatever name called) for a term exceeding six months ;  
or

(d) subject to the provisions of subsection (3) of this section, if any circumstances arise that, if he were not an elected member of the Assembly, would cause him to be disqualified for election as such under section 62(1)(a), (b) or (d) of this Constitution or under any law made in pursuance of section 62(3), 62(4) or 62(5) of this Constitution.

(3) Parliament may, in order to permit any elected member of the National Assembly who has been sentenced to death or imprisonment, adjudged or declared to be of unsound mind, adjudged or declared bankrupt or convicted or reported guilty of any offence prescribed under section 62(4) of this Constitution to appeal against the decision in accordance with any law, provide that, subject to such conditions as may be prescribed by Parliament, the decision shall not have effect for the purposes of this section until such time as may be so prescribed.

(4) A nominated member of the National Assembly shall vacate his seat in the Assembly if his appointment is revoked by the President.

(5) For the purposes of this section—

(a) references to a sentence of imprisonment shall be construed as not including a sentence of imprisonment the execution of which is suspended or a sentence of imprisonment imposed in default of payment of a fine ;

(b) two or more sentences of imprisonment that are required to be served consecutively shall be regarded as separate sentences if none of those sentences exceeds six months and if any one of such sentences exceeds that term they shall be regarded as one sentence.

The franchise.

**66.**—(1) Every citizen of Zambia who has attained the age of twenty-one years shall, unless he is disqualified by Parliament from registration as a voter for the purposes of elections to the National Assembly, be entitled to be registered as such a voter under a law in that behalf, and no other person may be so registered.

(2) Every person who is registered in any constituency as a voter for the purposes of elections to the National Assembly shall, unless he is disqualified by Parliament from voting in such elections on the grounds of his having been convicted of an offence in connection with elections or on the grounds of his having been reported guilty of such an offence by the court trying an election petition or on the grounds of his being in lawful custody at the date of the election, be entitled so to vote in that constituency in accordance with the provisions made by or under an Act of Parliament in that behalf ; and no other person may so vote.

Electoral Commission.

**67.**—(1) The President shall establish an Electoral Commission for the purposes of reviewing the boundaries of the constituencies into which Zambia is divided by section 68 of this Constitution—

(a) at such times (being not less than eight or more than ten years since the boundaries of those constituencies were last reviewed) as the President may from time to time appoint ;

(b) whenever Parliament has made provision altering the number of seats in the National Assembly (other than the seats of the nominated members) ;

(c) whenever a census of the population has been held in pursuance of any law.

(2) The President shall establish an Electoral Commission for the purposes of supervising the registration of voters and the conduct of elections whenever Parliament is dissolved or he otherwise considers it to be necessary.

(3) An Electoral Commission shall consist of a Chairman and two other members who shall be appointed by the President.

(4) A person shall not be qualified for appointment as Chairman of an Electoral Commission unless he holds or has held high judicial office.

(5) A person shall not be qualified for appointment as a member of an Electoral Commission if he is a member of the National Assembly.

(6) If, after the appointment of an Electoral Commission and before the Commission stands dissolved, the office of Chairman or any member of the Commission falls vacant or the holder of the office becomes unable for any reason to discharge his functions as a member of the Commission, the President may appoint another person qualified for appointment to be the Chairman or, as the case may be, a member of the Commission.

(7) An Electoral Commission established under subsection (1) of this section shall stand dissolved upon the date on which the report of the Commission relating to the review of the boundaries of the constituencies is delivered to the President, and an Electoral Commission established under subsection (2) of this section shall stand dissolved on such date (not being earlier, in the case of a Commission established upon a dissolution of Parliament, than the date upon which Parliament first sits after that dissolution) as the President may determine.

(8) In the exercise of its functions under this Constitution an Electoral Commission shall not be subject to the direction or control of any other person or authority.

68.—(1) Zambia shall be divided into constituencies for the purposes of elections to the National Assembly so that—

Constituencies and elections.

(a) the number of such constituencies shall be equal to the number of seats in the Assembly (excluding the seats of nominated members); and

(b) the boundaries of such constituencies shall be such as the Electoral Commission may prescribe.

(2) Each constituency shall return one member to the National Assembly.

(3) The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features and the difference between urban and rural areas in respect of density of population.

(4) Where an Electoral Commission is established under section 67 of this Constitution for the purposes of reviewing the boundaries of the constituencies it shall review the boundaries accordingly and may, in accordance with the provisions of this section, alter the constituencies to such extent as it considers desirable:

Provided that a Commission established by reason of the holding of a census of the population may, if the Commission considers that the changes in the distribution of population reported in the census do not justify an alteration in the boundaries, so report to the President without entering upon a review of the boundaries of the constituencies.

(5) Any provision by Parliament altering the number of seats in the National Assembly (other than the seats of nominated members) shall come into effect when the alteration of the constituencies that, in accordance with the provisions of subsection (4) of this section, is consequential thereon, comes into effect; and any alteration of the constituencies shall come into effect upon the next dissolution of Parliament.

(6) In this section "the population quota" means the number obtained by dividing the number of inhabitants of Zambia by the number of constituencies into which Zambia is to be divided under this section.

(7) For the purposes of this section the number of inhabitants of Zambia shall be ascertained by reference to the latest census of the population held in pursuance of any law.

(8) During any period when an Electoral Commission is established under section 67(2) of this Constitution the registration of voters and the conduct of elections in every constituency shall be subject to the direction and supervision of the Commission.

Determina-  
tion of  
questions as  
to member-  
ship of  
National  
Assembly.

**69.—(1)** The High Court shall have jurisdiction to hear and determine any question whether—

(a) any person has been validly elected or appointed as a member of the National Assembly or the seat of any such member has become vacant;

(b) any person has been validly elected as Speaker of the Assembly from among persons who are not members of the Assembly or, having been so elected, has vacated the office of Speaker.

(2) Parliament may make provision with respect to—

(a) the persons who may apply to the High Court for the determination of any question under this section;

(b) the circumstances and manner in which and the conditions upon which any such application may be made; and

(c) the powers, practice and procedure of the High Court in relation to any such application.

(3) The determination by the High Court of any question under this section shall not be subject to appeal:

Provided that an appeal shall lie to the Court of Appeal, with the leave of that Court, from any such determination by the High Court in so far as it involves any decision as to the interpretation of this Constitution.

Clerk and  
staff of  
National  
Assembly.

**70.—(1)** There shall be a Clerk of the National Assembly and such other offices in the department of the Clerk of the Assembly as may be prescribed by resolution of the National Assembly.

(2) Power to appoint persons to hold or act in the office of Clerk of the National Assembly shall vest in the Speaker of the Assembly:

Provided that no person shall be appointed to hold the office of Clerk of the Assembly unless a proposal for the appointment of that person has been submitted to the Assembly and the Assembly has resolved that he should be appointed.

(3) Subject to the provisions of subsection (4) of this section, the Clerk of the National Assembly shall vacate his office when he attains the age of fifty-five years.

(4) The Clerk of the National Assembly may be removed from office by resolution of the Assembly for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour but shall not be otherwise removed.

(5) Power to appoint persons to hold or act in any office in the department of the Clerk of the National Assembly (other than the office of Clerk) and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Speaker of the Assembly.

(6) (a) Before exercising the powers conferred by subsection (5) of this section to appoint any person to hold or to act in any office to which this subsection applies or to remove any person holding such an office from office, the Speaker of the National Assembly shall consult the Public Service Commission, and if the Speaker acts otherwise than in accordance with the recommendation of the Commission he shall, as soon as practicable thereafter, inform the Assembly that he has so acted.

(b) This subsection applies to any office in the department of the Clerk of the National Assembly, other than any office in respect of which the annual emoluments do not exceed such sum as may be prescribed by resolution of the Assembly.

## PART 2

### *Legislation and Procedure in National Assembly*

71.—(1) Subject to the provisions of this Constitution, the legislative power of Parliament shall be exercised by bills passed by the National Assembly and assented to by the President.

Exercise of  
legislative  
power of  
Parliament.

(2) No bill (other than such a bill as is mentioned in section 27(8) of this Constitution) shall be presented to the President until after the expiration of three days from the third reading of the bill by the National Assembly, and where a bill is referred to a tribunal in accordance with section 27 of this Constitution that bill shall not be presented to the President for assent until the tribunal has reported on the bill or the time for making a report has expired, whichever is the earlier.

(3) Where a bill is presented to the President for assent he shall either assent or withhold his assent.

(4) Where the President withholds his assent to a bill the bill shall be returned to the National Assembly:

Provided that if the President withholds his assent to a bill in respect of which a tribunal has reported under section 27 of this Constitution that it would, if enacted, be inconsistent with Chapter III of this Constitution, the bill shall be returned to the Assembly only if the President so directs.

(5) Where the President withholds his assent to a bill the bill shall not again be presented for assent:

Provided that if, in the case of a bill returned to the Assembly, the Assembly resolves within six months of the bill being so returned upon a motion supported by the votes of not less than two-thirds of all the members of the Assembly that the bill should again be presented for assent, the bill shall be so presented.



(6) Where a bill is again presented to the President for assent in accordance with the provisions of subsection (5) of this section the President shall assent to the bill within twenty-one days of its presentation, unless he sooner dissolves Parliament.

(7) When a bill that has been duly passed is assented to in accordance with the provisions of this Constitution it shall become law and the President shall thereupon cause it to be published in the Gazette as a law.

(8) No law made by Parliament shall come into operation until it has been published in the Gazette, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.

(9) All laws made by Parliament shall be styled "Acts" and the words of enactment shall be "enacted by the Parliament of Zambia".

Alteration of  
Constitution.

**72.**—(1) Subject to the provisions of this section, Parliament may alter this Constitution or (in so far as it forms part of the law of Zambia) the Zambia Independence Act 1964.

(2) A bill for an Act of Parliament under this section shall not be passed unless—

(a) not less than thirty days before the first reading of the bill in the National Assembly the text of the bill is published in the Gazette; and

(b) the bill is supported on second and third readings by the votes of not less than two-thirds of all the members of the Assembly.

(3) In so far as it alters—

(a) this section;

(b) Chapter III or Chapter VII of this Constitution; or

(c) section 71(2) or 73 of this Constitution,

an Act of Parliament under this section shall not come into operation unless the provisions contained in the Act effecting that alteration have, in accordance with any law in that behalf, been submitted to a referendum in which all persons who are registered as voters for the purposes of elections to the National Assembly shall be entitled to vote and unless those provisions have been supported by the votes of a majority of all the persons entitled to vote in the referendum.

(4) In this section—

(a) references to this Constitution or the Zambia Independence Act 1964 include references to any law that amends or replaces any of the provisions of this Constitution or that Act; and

(b) references to the alteration of this Constitution, the Zambia Independence Act 1964, or of any Chapter or section of this Constitution include references to the amendment, modification or re-enactment, with or without amendment or modification, of any provision for the time being contained in this Constitution, that Act, Chapter or section, the suspension or repeal of any such provision and the making of different provision in lieu of such provision, and the addition of new provisions to this Constitution, that Act, Chapter or section.

**73.—(1)** Nothing in section 57 of this Constitution shall prevent Parliament from conferring on any person or authority power to make statutory instruments.

(2) Every statutory instrument shall be published in the Gazette not later than fourteen days after it is made or, in the case of a statutory instrument which will not have the force of law unless it is approved by some person or authority other than the person or authority by which it was made, not later than fourteen days after it is so approved, and if it is not so published it shall be void from the date on which it was made.

(3) Where a tribunal appointed under section 27 of this Constitution reports to the President that any provision of a statutory instrument is inconsistent with any provision of Chapter III of this Constitution, the President may, by Order, annul that statutory instrument and it shall thereupon be void from the date on which it was made.

**74.** Except upon the recommendation of the President signified by the Vice-President or a Minister, the National Assembly shall not—

(a) proceed upon any bill (including any amendment to a bill) that, in the opinion of the person presiding, makes provision for any of the following purposes:—

(i) for the imposition of taxation or the alteration of taxation otherwise than by reduction;

(ii) for the imposition of any charge upon the general revenues of the Republic or the alteration of any such charge otherwise than by reduction;

(iii) for the payment, issue or withdrawal from the general revenues of the Republic of any moneys not charged thereon or any increase in the amount of such payment, issue or withdrawal; or

(iv) for the composition or remission of any debt due to the Government; or

(b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provisions for any of those purposes.

**75.—(1)** The President may, at any time, attend and address the National Assembly.

(2) The President may send messages to the National Assembly and any such message shall be read, at the first convenient sitting of the Assembly after it is received, by the Vice-President or by a Minister designated by the President.

**76.** The Speaker of the National Assembly, before assuming the duties of his office, and every member of the Assembly before taking his seat therein, shall take and subscribe before the Assembly the oath of allegiance.

**77.** There shall preside at any sitting of the National Assembly—

(a) the Speaker of the Assembly; or

(b) in the absence of the Speaker, the Deputy Speaker; or

(c) in the absence of the Speaker and of the Deputy Speaker, such member of the Assembly (not being the Vice-President, a Minister, a junior Minister or the holder of any other office prescribed by Parliament for the purposes of this section) as the Assembly may elect for that purpose.

Quorum in  
National  
Assembly.

**78.** If objection is taken by any member of the National Assembly present, that there are present in the Assembly (besides the person presiding) less than one-fourth of all the members of the Assembly and, after such interval as may be prescribed in the rules of procedure of the Assembly, the person presiding ascertains that the number of persons present is still less than one-fourth of all the members of the Assembly, he shall thereupon adjourn the Assembly.

Voting in  
National  
Assembly.

**79.—(1)** Save as otherwise provided in this Constitution, any question proposed for decision in the National Assembly shall be determined by a majority of the votes of the members present and voting.

(2) The Speaker shall not have an original vote but if upon any question before the National Assembly the votes are equally divided he shall have and exercise a casting vote.

(3) Any member of the National Assembly, other than the Speaker, shall, when presiding in the Assembly, retain his original vote as a member and shall also have and exercise a casting vote where the votes are equally divided.

(4) The rules of procedure of the National Assembly may make provision under which a member who votes upon a question in which he has a direct pecuniary interest shall be deemed not to have voted.

Unqualified  
persons  
sitting  
or voting.

**80.** Any person who sits or votes in the National Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty five pounds or such other sum as may be prescribed by Parliament for each day on which he so sits or votes in the Assembly, which shall be recoverable by action in the High Court at the suit of the Attorney-General.

Procedure in  
National  
Assembly.

**81.—(1)** Subject to the provisions of this Constitution, the National Assembly may determine its own procedure.

(2) The National Assembly may act notwithstanding any vacancy in its membership (including any vacancy not filled when the Assembly first meets after any dissolution of Parliament) and the presence or participation of any person not entitled to be present or to participate in the proceedings of the Assembly shall not invalidate those proceedings.

### PART 3

#### *Summoning, prorogation and dissolution of Parliament*

Summoning  
of  
Parliament.

**82.—(1)** Subject to the provisions of this section, each session of Parliament shall be held at such place within Zambia and shall commence at such time as the President may appoint.

(2) There shall be a session of Parliament at least once in every year so that a period of twelve months shall not intervene between the last sitting of the National Assembly in one session and the first sitting thereof in the next session.

(3) Whenever Parliament is dissolved a general election of members of the National Assembly shall be held and the first session of the new Parliament shall commence within three months from the date of that dissolution.

**83.—(1) The President may at any time prorogue Parliament.**

(2) Subject to the provisions of this Constitution, the President may at any time dissolve Parliament.

Prorogation  
and  
dissolution of  
Parliament.

(3) Subject to the provisions of subsection (4) of this section, Parliament, unless sooner dissolved, shall continue for five years from the date of its first sitting after any dissolution and shall then stand dissolved.

(4) At any time when the Republic is at war, Parliament may from time to time extend the period of five years specified in subsection (3) of this section for not more than twelve months at a time:

Provided that the life of Parliament shall not be extended under this subsection for more than five years.

(5) If, after a dissolution of Parliament and before the holding of the general election of members of the National Assembly, the President considers that, owing to the existence of a state of war or of a state of emergency in Zambia or any part thereof, it is necessary to recall Parliament, the President may summon the Parliament that has been dissolved to meet and that Parliament shall be deemed to be the Parliament for the time being, but the general election of members of the National Assembly shall proceed and the Parliament that has been recalled shall, if not sooner dissolved, again stand dissolved on the day appointed for the nomination of candidates in that general election.

**84.—(1) The President may at any time summon a meeting of the National Assembly.**

Sittings of  
National  
Assembly.

(2) Subject to the provisions of subsection (1) of this section and of section 36(1) and 37(2)(b) of this Constitution, the sittings of the National Assembly in any session of Parliament after the commencement of that session shall be held at such times and on such days as the Assembly shall appoint.

## CHAPTER VI

### THE HOUSE OF CHIEFS

**85.—(1) There shall be a House of Chiefs for the Republic.**

(2) The members of the House of Chiefs shall be—

Composition  
of House  
of Chiefs.

(a) not more than four Chiefs representing Barotseland, who shall be appointed by the Litunga and Council;

(b) four Chiefs representing each of the following provinces, that is to say, the Northern Province, the Southern Province and the Eastern Province;

(c) three Chiefs representing each of the following provinces, that is to say, the North-Western Province, the Luapula Province and the Central Province; and

(d) one Chief representing the Western Province.

(3) No Chief shall be qualified to be a member of the House if he is a member of the National Assembly.

(4) A person elected or appointed President of the House of Chiefs in accordance with section 88 of this Constitution who is not a member of the House shall be deemed to be a member.

(5) A member of the House of Chiefs shall vacate his seat in the House—

- (a) at the expiration of three years from the date of his election or appointment ;
- (b) if he ceases to be a Chief ; or
- (c) if any other circumstances arise that would cause him to be disqualified for election or appointment thereto.

Functions of House of Chiefs.

**86.** The House of Chiefs may consider and discuss—

- (a) any bill introduced into or proposed to be introduced into the National Assembly that is referred to the House by the President ; or
- (b) any other matter referred to the House for its consideration by the President or approved by the President for consideration by the House,

and may submit resolutions on any such bill or other matter to the President, which the President shall cause to be laid before the National Assembly.

Election of members to represent provinces.

**87.** The Chiefs representing provinces in the House of Chiefs (other than Barotseland) shall be elected in the manner prescribed by the Schedule to this Constitution.

President of House of Chiefs.

**88.**—(1) There shall be a President of the House of Chiefs who shall be elected by the members of that House :

Provided that, if the members of the House of Chiefs so resolve in respect of any vacancy in the office of President of the House, upon a motion supported by the votes of not less than two-thirds of all the members of the House, the President may appoint a person to fill that vacancy.

(2) The President of the House of Chiefs may be elected or appointed from amongst the members of the House of Chiefs or from outside the House, but the President, the Vice-President, a Minister or a junior Minister shall not be qualified to be elected or appointed as President of the House of Chiefs.

(3) The President of the House of Chiefs shall vacate his office—

- (a) if having been elected or appointed from among the members of the House, he ceases to be a member of the House ;
- (b) if any circumstances arise that would disqualify him for election or appointment as such ; or
- (c) at the commencement of the first meeting of the House after the expiration of twelve months from the date of his election or appointment.

Deputy-President of House of Chiefs.

**89.**—(1) There shall be a Deputy-President of the House of Chiefs who shall be appointed by the President from amongst the members of the House.

(2) The Deputy-President of the House of Chiefs shall vacate his office—

- (a) if he ceases to be a member of the House ; or
- (b) if his appointment is revoked by the President.

(3) Before exercising the powers conferred upon him by subsection (1) of this section the President shall consult the President of the House of Chiefs.

**90.** The President of the House of Chiefs, before assuming the duties of his office, and every member of the House before taking his seat therein, shall take and subscribe before the House the oath of allegiance. Oaths of members of House of Chiefs.

**91.—(1)** There shall preside at any meeting of the House of Chiefs— Presiding in House of Chiefs.  
 (a) the President of the House ;  
 (b) in the absence of the President of the House, the Deputy-President ; or  
 (c) in the absence of the President of the House and the Deputy-President, such member of the House as the House may elect for that sitting.

(2) References in this section to circumstances in which the President of the House of Chiefs or Deputy-President is absent include references to circumstances in which the office of President of the House or Deputy-President is vacant.

**92.** If objection is taken by any member of the House of Chiefs present that there are present in the House (besides the person presiding) less than seven members of the House and, after such interval as may be prescribed in the rules of procedure of the House, the person presiding ascertains that the number of members present is still less than seven, he shall thereupon adjourn the House. Quorum in House of Chiefs.

**93.** The House of Chiefs shall meet at such times and at such places as the President may appoint. Meetings of House of Chiefs.

**94.—(1)** The President or the Vice-President may, at any time, attend and address the House of Chiefs. Attendance of President and other persons at House of Chiefs.

(2) A Minister or a person appointed in that behalf by a Minister may attend the proceedings of the House of Chiefs when any matter for which the Minister is responsible is under consideration by the House.

(3) The President of the House of Chiefs, when in his opinion any matter before the House of Chiefs makes it desirable, may invite any member of the National Assembly to attend the proceedings of the House relating to that matter.

(4) A person attending the proceedings of the House of Chiefs by virtue of the provisions of subsection (2) or (3) of this section shall be entitled to take part in the proceedings of the House relating to the matter for which the Minister has responsibility or in respect of which he was invited to attend, as the case may be, as if he were a member of the House:

Provided that he shall not be entitled to vote in the House or any of its committees.

**95.—(1)** Subject to the provisions of this Constitution, the House of Chiefs may determine its own procedure. Procedure in House of Chiefs.

(2) The House of Chiefs may act notwithstanding any vacancy in its membership and the presence or participation of any person not entitled to be present or to participate in the proceedings of the House shall not invalidate those proceedings.

President  
may make  
regulations.

**96.** Subject to the provisions of this Constitution, the President may by regulation provide for all or any of the following matters—

- (a) the appointment and tenure of office of a clerk and other officers of the House of Chiefs ;
- (b) the remuneration of the President, the Deputy President and other members of the House ;
- (c) the regulation and orderly conduct of the proceedings of the House ;
- (d) the definition and trial of offences relating to the election of members of the House and the imposition of penalties therefor ;
- (e) the application to the House and the members of the House of any of the provisions of any law for the time being in force relating to the privileges and immunities of the National Assembly and the members thereof.

## CHAPTER VII

### THE JUDICATURE

#### PART 1

#### *The Court of Appeal and High Court*

Court of  
Appeal.

**97.—**(1) There shall be a Court of Appeal for the Republic.

(2) The judges of the Court of Appeal shall be—

- (a) the Chief Justice ;
  - (b) one Justice of Appeal or such greater number of Justices of Appeal as may be prescribed by Parliament ;
  - (c) the puisne judges for the time being of the High Court.
- (3) The office of a Justice of Appeal shall not be abolished while there is a substantive holder thereof.

(4) The Court of Appeal shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

(5) When the Court of Appeal is determining any matter, other than an interlocutory matter, it shall be composed of an uneven number of judges, not being less than three.

High Court.

**98.—**(1) There shall be a High Court for the Republic which shall have unlimited original jurisdiction to hear and determine any civil or criminal proceedings under any law and such jurisdiction and powers as may be conferred on it by this Constitution or any other law.

(2) (a) The Chief Justice shall be, ex officio, a judge of the High Court.

(b) The other judges of the High Court shall be such number of puisne judges as may be prescribed by Parliament.

(3) The office of a puisne judge shall not be abolished while there is a substantive holder thereof.

(4) The High Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.

(5) The High Court shall have jurisdiction to supervise any civil or criminal proceedings before any subordinate court or any court-martial and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of ensuring that justice is duly administered by any such court.

(6) The Chief Justice may make rules with respect to the practice and procedure of the High Court in relation to the jurisdiction and powers conferred on it by subsection (5) of this section.

99.—(1) The Chief Justice shall be appointed by the President.

Appointment  
of judges  
of Court  
of Appeal  
and High  
Court.

(2) The Justices of Appeal and the puisne judges shall be appointed by the President, acting in accordance with the advice of the Judicial Service Commission.

(3) (a) A person shall not be qualified for appointment as a judge of the Court of Appeal or as a judge of the High Court unless—

(i) he holds or has held high judicial office ;

(ii) he is entitled to practise as an advocate in a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or a court having jurisdiction in appeals from any such court and has been so entitled for not less than seven years to practise as an advocate or a solicitor in such a court ; or

(iii) he is entitled to practise as a solicitor in such a court and has held for periods amounting in the aggregate to not less than seven years any one or more of the following offices, that is to say, Senior Resident Magistrate, Resident Magistrate, Director of Public Prosecutions, Senior State Advocate or State Advocate.

(b) For the purposes of this subsection, a person shall be regarded as entitled to practise as an advocate or a solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

(i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court ; or

(ii) he does not hold a practising certificate or has not satisfied any other like condition to his being permitted to practice.

(c) References in paragraph (a)(iii) of this subsection to the offices specified in that paragraph include references to the corresponding offices under the Government of the former Protectorate of Northern Rhodesia.

(4) If the office of Chief Justice is vacant or if the Chief Justice is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office, or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the Justices of Appeal or puisne judges as the President may appoint.



(5) If the office of a Justice of Appeal is vacant or if any Justice of Appeal is appointed to act as Chief Justice or is for any reason unable to perform the functions of his office, the President, acting in accordance with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a Justice of Appeal to act as a Justice of Appeal:

Provided that a person may act as a Justice of Appeal notwithstanding that he has attained the age prescribed by section 100 of this Constitution.

(6) If the office of any puisne judge is vacant, or if any such judge is appointed to act as Chief Justice, or is for any reason unable to perform the functions of his office, or if the President, acting after consultation with the Chief Justice, is satisfied that the state of business in the High Court requires that the number of judges of the court should be temporarily increased, the President, acting in accordance with the advice of the Judicial Service Commission, may appoint a person qualified for appointment as a judge of the High Court to act as a puisne judge of that court:

Provided that a person may act as a puisne judge notwithstanding that he has attained the age prescribed by section 100 of this Constitution.

(7) Any person appointed under subsection (5) or (6) of this section to act as a Justice of Appeal or puisne judge shall continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Judicial Service Commission:

Provided that the President, acting in accordance with the advice of the Judicial Service Commission, may permit a person whose appointment to act as a Justice of Appeal or puisne judge has expired or been revoked to continue to act as such a judge for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.

Tenure of  
office of  
judges of  
Court of  
Appeal and  
High Court.

100.—(1) Subject to the provisions of this section, a person holding the office of a judge of the Court of Appeal or the office of a judge of the High Court shall vacate that office on attaining the age of sixty-two years:

Provided that the President, acting in accordance with the advice of the Judicial Service Commission, may permit a judge who has attained that age to continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.

(2) A judge of the Court of Appeal or of the High Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this section.

(3) If the President considers that the question of removing a judge of the Court of Appeal or of the High Court under this section ought to be investigated then—

(a) he shall appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office ;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and advise the President whether the judge ought to be removed from office under this section for inability as aforesaid or for misbehaviour.

(4) Where a tribunal appointed under subsection (3) of this section advises the President that a judge of the Court of Appeal or of the High Court ought to be removed from office for inability as aforesaid or for misbehaviour, the President shall remove such judge from office.

(5) If the question of removing a judge of the Court of Appeal or of the High Court from office has been referred to a tribunal under subsection (3) of this section, the President may suspend the judge from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal advises the President that the judge ought not to be removed from office.

(6) The provisions of this section shall be without prejudice to the provisions of section 99(7) of this Constitution.

101. A judge of the Court of Appeal or of the High Court shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as may be prescribed by Parliament.

Oaths to be taken by judges.

## PART 2

### *Appeals to the Judicial Committee*

102.—(1) The President may by order declare that the Judicial Committee shall be a court of appeal for the Republic.

Judicial Committee may be appeal court for the Republic.

(2) When any order by the President under subsection (1) of this section is in force, an appeal shall lie from the Court of Appeal to the Judicial Committee in such classes of cases and subject to such conditions as to leave or otherwise as may be prescribed by or under an Act of Parliament.

103.—(1) Any decision given by the Judicial Committee in any appeal under this Part of this Chapter shall be enforced in like manner as if it were a decision of the Court of Appeal.

Supplementary.

(2) Subject to the provisions of subsection (3) of this section, the Judicial Committee shall, in relation to any appeal to it under this Part of this Chapter in any case, have all the jurisdiction and powers possessed in relation to that case by the Court of Appeal.

(3) An Act of Parliament made under section 102 of this Constitution may confer on the Judicial Committee powers additional to those conferred by this section and may make such other provision as may be necessary or expedient for regulating the exercise by the Committee of any jurisdiction conferred upon it under this Part.

## PART 3

*Judicial Service Commission*

Judicial  
Service  
Commission.

**104.**—(1) There shall be a Judicial Service Commission for the Republic which shall consist of—

- (a) the Chief Justice, who shall be Chairman ;
- (b) the Chairman of the Public Service Commission or such other member of that Commission as may for the time being be designated in that behalf by the Chairman of that Commission ;
- (c) such Justice of Appeal or puisne judge as may for the time being be designated in that behalf by the Chief Justice ; and
- (d) one other member who shall be appointed by the President.

(2) The following provisions shall apply in relation to a member of the Judicial Service Commission appointed by the President—

- (a) a person shall not be qualified for appointment as such unless he holds or has held high judicial office ;
- (b) subject to the provisions of this subsection, a person appointed as such shall vacate his office at the expiration of two years from the date of his appointment ; and
- (c) a person appointed as such may be removed from office by the President, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(3) The President may give to the Judicial Service Commission or to any person to whom the powers of the Commission are delegated under section 105 of this Constitution such general directions with respect to the exercise of the functions of the Commission under that section as the President may consider necessary and the Commission or that person shall comply with such directions.

(4) Except as provided in subsection (3) of this section, the Judicial Service Commission shall not be subject to the direction or control of any other person or authority in the exercise of its functions under this Constitution.

Appoint-  
ment, etc.,  
of judicial  
officers.

**105.**—(1) Power to appoint persons to hold or act in offices to which this section applies (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Judicial Service Commission acting in the name and on behalf of the President.

(2) The Judicial Service Commission may, subject to such conditions as it thinks fit, delegate any of its powers under this section by directions in writing to any member of the Commission, any judge of the Court of Appeal or of the High Court, or to any person holding or acting in any office to which this section applies.

(3) The offices to which this section applies are—

- (a) the office of Registrar or Deputy Registrar of the Court of Appeal or of the High Court ;
- (b) the office of Senior Resident Magistrate, Resident Magistrate or Magistrate ;
- (c) the office of president or member of any subordinate court ; or

(d) such other offices of president or member of any court of law or connected with any court of law as may be prescribed by or under an Act of Parliament.

(4) In this section references to the office of Magistrate do not include references to any administrative office the holders of which are, under the provisions of the Subordinate Courts Ordinance(a), entitled by virtue of that office to hold a subordinate court, and references to a court of law do not include references to a court-martial.

## CHAPTER VIII

### FINANCE

**106.—**(1) Subject to the provisions of this section, no taxation shall be imposed or altered except by or under an Act of Parliament. Imposition  
of taxation.

(2) Save as provided by subsections (3) and (4) of this section, Parliament shall not confer upon any other person or authority power to impose or to alter (otherwise than by reduction) any taxation.

(3) Parliament may make provision under which the President or a Minister may by order provide that, on or after the publication of a bill (being a bill approved by the President) that it is proposed to introduce into the National Assembly providing for the imposition or alteration of taxation, such provisions of the bill as may be specified in the order shall, until the bill becomes law, have the force of law for such period and subject to such conditions as may be prescribed by Parliament:

Provided that any such order shall, unless sooner revoked, cease to have effect—

- (a) if the bill to which it relates is not passed within such period from the date of its first reading in the National Assembly as may be prescribed by Parliament;
- (b) if, after the introduction of the bill to which it relates, Parliament is prorogued or dissolved;
- (c) if, after the passage of the bill to which it relates, the President refuses his assent thereto; or
- (d) at the expiration of a period of four months from the date it came into operation or such longer period from that date as may be specified in any resolution passed by the National Assembly after the bill to which it relates has been introduced.

(4) Parliament may confer upon any authority established by law for the purposes of local government power to impose taxation within the area for which that authority is established and to alter taxation so imposed.

(5) Where the Appropriation Act in respect of a financial year has not come into force at the expiration of six months from the commencement of that financial year, the operation of any law relating to the collection or recovery of any tax upon any income or profits or any duty of customs or excise shall be suspended until that Act comes into force :

**Provided that—**

- (a) in any financial year in which Parliament stands dissolved at the commencement of that year the period of six months shall begin from the day upon which the National Assembly first sits following that dissolution instead of from the commencement of the financial year ;
- (b) the provisions of this subsection shall not apply in any financial year in which Parliament is dissolved after the laying of estimates in accordance with section 109 of this Constitution and before the Appropriation bill relating to those estimates is passed by the National Assembly.

Withdrawal  
of moneys  
from general  
revenues.

**107.—(1)** No moneys shall be expended from the general revenues of the Republic unless—

- (a) the expenditure is authorised by a warrant under the hand of the President ;
- (b) the expenditure is charged by this Constitution or any other law on the general revenues of the Republic ; or
- (c) the expenditure is of moneys received by a department of government and is made under the provisions of any law which authorises that department to retain and expend those moneys for defraying the expenses of the department.

(2) No warrant shall be issued by the President authorising expenditure from the general revenues of the Republic unless—

- (a) the expenditure is authorised by an Appropriation Act ;
- (b) the expenditure is necessary to carry on the services of the government in respect of any period (not exceeding four months) beginning at the commencement of a financial year during which the Appropriation Act for that financial year is not in force ;
- (c) the expenditure has been proposed in a supplementary estimate approved by the National Assembly ; or
- (d) no provision exists for the expenditure and the President considers that there is such an urgent need to incur the expenditure that it would not be in the public interest to delay the authorisation of the expenditure until such time as a supplementary estimate can be laid before and approved by the National Assembly.

(3) The President shall, immediately after he has signed any warrant authorising expenditure from the general revenues of the Republic, cause a copy of the warrant to be transmitted to the Auditor-General.

(4) The issue of warrants under subsection (2)(d) of this section, the investment of moneys forming part of the general revenues of the Republic and the making of advances from such revenues shall be subject to such limitations and conditions as Parliament may from time to time prescribe.

(5) For the purposes of this section the investment of moneys forming part of the general revenues of the Republic or the making of recoverable advances therefrom shall not be regarded as expenditure.

Supplemen-  
tary estimates  
in respect of  
expenditure  
authorised by  
warrant.

**108.** Where in any financial year any expenditure has been authorised by a warrant issued by the President under section 107(2)(d) of this Constitution, the Minister responsible for finance shall cause a supplementary estimate relating to that expenditure to be laid before the

National Assembly for its approval before the expiration of a period of four months from the issue of the warrant or, if the National Assembly is not sitting at the expiration of that period, at the first sitting of the National Assembly thereafter.

109.—(1) The Minister responsible for finance shall cause to be prepared and shall lay before the National Assembly within one month of the commencement of each financial year estimates of the revenues and expenditure of the Republic for that financial year.

Appropriation and Supplementary Appropriation Acts.

(2) When the estimates of expenditure (other than expenditure charged upon the general revenues of the Republic by this Constitution or any law) have been approved by the National Assembly, the heads of the estimates together with the amount approved in respect of each head shall be included in a bill to be known as an Appropriation bill which shall be introduced in the Assembly to provide for the payment of those amounts for the purposes specified out of the general revenues of the Republic.

(3) Where any supplementary expenditure has been authorised in respect of any financial year for any purposes and—

(a) no amount has been appropriated for that purpose under any head of expenditure by the Appropriation Act for that financial year; or

(b) the amount of the supplementary expenditure is such that the total amount expended for the purposes of the head of expenditure in which expenditure for that purpose was included is in excess of the amount so appropriated under that head,

the Minister responsible for finance shall introduce in the National Assembly not later than fifteen months after the end of that financial year or, if the National Assembly is not sitting at the expiration of that period, within one month of the first sitting of the National Assembly thereafter, a bill, to be known as a Supplementary Appropriation bill, confirming the approval of Parliament of such expenditure, or excess of expenditure, as the case may be.

110.—(1) The Minister responsible for finance shall cause to be prepared and shall lay before the National Assembly not later than nine months after the end of each financial year a financial report in respect of that year.

Financial report

(2) A financial report in respect of a financial year shall include accounts showing the revenue and other moneys received by the Government in that financial year, the expenditure of the Government in that financial year, the payments made in that financial year otherwise than for the purposes of expenditure, a statement of the financial position of the Republic at the end of the financial year and such other information as Parliament may prescribe.

111.—(1) There shall be paid to the holders of the offices to which this section applies such salary and such allowances as may be prescribed by or under an Act of Parliament.

Remuneration of certain officers.

(2) The salaries and any allowances payable to the holders of the offices to which this section applies shall be a charge on the general revenues of the Republic.

(3) The salary payable to the holder of any office to which this section applies and his terms of office, other than allowances, shall not be altered to his disadvantage after his appointment.

(4) Where a person's salary or terms of office depend upon his option, the salary or terms for which he opts shall, for the purposes of subsection (3) of this section, be deemed to be more advantageous to him than any others for which he might have opted.

(5) This section applies to the offices of judge of the Court of Appeal, judge of the High Court, Director of Public Prosecutions and Auditor-General.

Public debt.

112.—(1) There shall be charged on the general revenues of the Republic all debt charges for which the Government is liable.

(2) For the purposes of this section debt charges include interest, sinking fund charges, the repayment or amortization of debt, and all expenditure in connection with the raising of loans on the security of the revenues of the former Protectorate of Northern Rhodesia or the Republic and on the service and redemption of debt thereby created.

Auditor-General.

113.—(1) There shall be an Auditor-General for the Republic, whose office shall be a public office.

(2) It shall be the duty of the Auditor-General—

(a) to satisfy himself that the provisions of this Chapter of this Constitution are being complied with ;

(b) to satisfy himself that the moneys expended have been applied to the purposes for which they were appropriated by the Appropriation Act or in accordance with the approved supplementary estimates, as the case may be, and that the expenditure conforms to the authority that governs it ;

(c) to audit the public accounts of the Republic, including the accounts of all officers and authorities of the Government, the accounts of all courts of the Republic (other than courts no part of the expenses of which are paid directly out of the moneys provided by Parliament) and the accounts of the clerk of the National Assembly.

(3) The Auditor-General and any officer authorised by him shall have access to all books, records, returns, reports and other documents relating to any of the accounts referred to in subsection (2) of this section.

(4) The Auditor-General shall, not later than twelve months after the end of each financial year, submit a report on the public accounts referred to in subsection(2)(c) of this section in respect of that financial year to the President who shall, not later than seven days after the first sitting of the National Assembly next after the receipt of such report, cause it to be laid before the Assembly ; and if the President makes default in laying the report before the Assembly, the Auditor-General shall submit the report to the Speaker of the Assembly (or, if the office of Speaker is vacant or if the Speaker is for any reason unable to perform the functions of his office, to the Deputy Speaker) who shall cause it to be laid before the Assembly.

(5) The Auditor-General shall perform such other duties and exercise such other powers in relation to all accounts of the Government or the accounts of other public authorities or other bodies as may be prescribed by or under any law.

(6) In the exercise of his functions under subsections (2), (3) and (4) of this section, the Auditor-General shall not be subject to the direction or control of any other person or authority.

## CHAPTER IX

### THE PUBLIC SERVICE

**114.—(1)** There shall be a Public Service Commission for the Republic which shall consist of a Chairman and not less than three or more than six other members. Public Service Commission.

(2) The members of the Public Service Commission shall be appointed by the President.

(3) A person shall not be qualified for appointment as a member of the Public Service Commission if he holds the office of President or is a member of the National Assembly or a public officer.

(4) Subject to the provisions of this section, the office of a member of the Public Service Commission shall become vacant—

(a) at the expiration of two years from the date of his appointment ;  
or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) A member of the Public Service Commission may be removed from office by the President for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(6) A member of the Public Service Commission shall not be removed from office except in accordance with the provisions of this section.

(7) If the office of Chairman of the Public Service Commission is vacant or if the person holding that office is for any reason unable to perform the functions of his office, then, until a person has been appointed to and has assumed the functions of that office or until the person holding that office has resumed those functions, as the case may be, those functions shall be performed by such one of the other members of the Commission as may be designated in that behalf by the President.

(8) If at any time there are less than two members of the Public Service Commission besides the Chairman or if any such member is appointed to act as Chairman or is for any reason unable to perform the functions of his office, the President may appoint a person who is qualified for appointment as a member of the Commission to act as a member, and any person so appointed shall, subject to the provisions of paragraph (b) of subsection (4) of this section, continue to act until the office in which he is acting is filled, or as the case may be, until the holder thereof resumes his functions or until his appointment to act is revoked by the President.

(9) The President may give to the Public Service Commission or to any public officer to whom the functions of the Commission are delegated under section 115 of this Constitution such general directions with respect to the exercise of the functions of the Commission under that section as the President may consider necessary and the Commission or that public officer shall comply with those directions.



(10) The President may require the Public Service Commission or any public officer to whom the functions of the Commission are delegated to refer any matter relating to the functions of the Commission under section 115 of this Constitution which is under consideration by the Commission or that public officer, as the case may be, to the President and the President may himself in such a case exercise any of the powers conferred by subsection (1) of that section.

(11) Except as provided in subsections (9) and (10) of this section, the Public Service Commission shall not be subject to the direction or control of any other person or authority in the exercise of its functions under this Constitution.

Appoint-  
ment, etc.  
of public  
officers.

**115.—(1)** Subject to the provisions of this section, power to appoint persons to hold or to act in any office in the public service (including power to confirm appointments), to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the President.

(2) The President shall consult the Public Service Commission—

(a) before exercising the powers conferred by subsection (1) of this section in any case in relation to the office of Secretary to the Cabinet, Permanent Secretary or Commissioner of Police or to any person holding or acting in any of those offices ;

(b) before exercising the power to appoint to the office of Ambassador, High Commissioner or principal representative of Zambia in another country any person who holds an office in the public service other than such an office ;

(c) before exercising the power to exercise disciplinary control over or to remove from any office of Ambassador, High Commissioner or principal representative of Zambia in another country any person who, immediately before he was appointed to that office, held some other office in the public service.

(3) Subject to the following provisions of this section, the powers of the President to make appointments to any office in the public service (other than an office mentioned in subsection (2) of this section) and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall be exercised by the Public Service Commission acting in the name and on behalf of the President.

(4) The Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its functions under subsection (3) of this section to any public officer.

(5) The provisions of this section shall not apply in relation to—

(a) any office to which section 105 of this Constitution applies ;

(b) any office in the Zambia Police Force below the rank of Assistant Superintendent ;

(c) any office in the Zambia prison service below the rank of Superintendent of Prisons ; or

(d) except for the purpose of making appointments thereto or to act therein, the office of Director of Public Prosecutions or Auditor-General.

(6) A person who holds or has held the office of Auditor-General shall not be appointed to hold or to act in any other public office.

**116.—(1)** Power to make appointments to hold or to act in offices in the Zambia Police Force below the rank of Assistant Superintendent and to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Commissioner of Police and, to such extent as may be prescribed by or under an Act of Parliament, in such other officers in that Force as may be so prescribed.

Appointment, etc. of subordinate police officers.

(2) Parliament may provide that, in such cases and subject to such conditions as Parliament may specify, an appeal shall lie to the President from decisions of the Commissioner or other officers of the Zambia Police Force to exercise disciplinary control over or remove from office any person holding or acting in any office in that Force below the rank of Assistant Superintendent.

**117.—(1)** Power to make appointments to hold or to act in offices in the Zambia prison service below the rank of Superintendent of Prisons, to exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office shall vest in the Commissioner of Prisons and, to such extent as may be prescribed by or under an Act of Parliament, in such other officers of the prison service as may be so prescribed.

Appointment, etc. of subordinate prison service officers.

(2) Parliament may provide that, in such cases and subject to such conditions as Parliament may specify, an appeal shall lie to the President from decisions of the Commissioner of Prisons or other officers of the Zambia prison service to exercise disciplinary control over or remove from office any person holding or acting in any office in the Zambia prison service below the rank of Superintendent of Prisons.

**118.—(1)** Subject to the provisions of this section, a person holding the office of Director of Public Prosecutions shall vacate his office when he attains the age of sixty years.

Tenure of office of Director of Public Prosecutions.

(2) A person holding the office of Director of Public Prosecutions may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(3) If the President considers that the question of removing a person holding the office of Director of Public Prosecutions from office ought to be investigated then—

(a) he shall appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the President and advise the President whether the person holding the office of Director of Public Prosecutions ought to be removed from office under this section for inability as aforesaid or for misbehaviour.

(4) Where a tribunal appointed under subsection (3) of this section advises the President that a person holding the office of Director of Public Prosecutions ought to be removed from office for inability as aforesaid or for misbehaviour, the President shall remove such person from office.

(5) If the question of removing a person holding the office of Director of Public Prosecutions from office has been referred to a tribunal under this section, the President may suspend that person from performing the functions of his office, and any such suspension may at any time be revoked by the President and shall in any case cease to have effect if the tribunal advises the President that the person ought not to be removed from office.

Tenure of  
office of  
Auditor-  
General.

**119.**—(1) Subject to the provisions of this section, a person holding the office of Auditor-General shall vacate his office when he attains the age of sixty years.

(2) A person holding the office of Auditor-General may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and shall not be so removed except in accordance with the provisions of this section.

(3) If the National Assembly resolves that the question of removing a person holding the office of Auditor-General from office under this section ought to be investigated then—

(a) the Assembly shall, by resolution, appoint a tribunal which shall consist of a Chairman and not less than two other members, who hold or have held high judicial office ;

(b) the tribunal shall enquire into the matter and report on the facts thereof to the Assembly ;

(c) the Assembly shall consider the report of the tribunal at the first convenient sitting of the Assembly after it is received and may, upon such consideration, by resolution, remove the Auditor-General from office.

(4) If the question of removing a person holding the office of Auditor-General from office has been referred to a tribunal under this section, the National Assembly may, by resolution, suspend that person from performing the functions of his office, and any such suspension may at any time be revoked by the Assembly by resolution and shall in any case cease to have effect if upon consideration of the report of the tribunal in accordance with the provisions of this section, the Assembly does not remove the Auditor-General from office.

Pensions  
laws and  
protection  
of pensions  
rights.

**120.**—(1) The law to be applied with respect to any pensions benefits that were granted to any person before the coming into operation of this Constitution shall be the law that was in force at the date on which those benefits were granted or any law in force at a later date that is not less favourable to that person.

(2) The law to be applied with respect to any pensions benefits (not being benefits to which subsection (1) of this section applies) shall—

(a) in so far as those benefits are wholly in respect of a period of service as a public officer, as any officer in the department of the Clerk of the National Assembly or as a member of the armed forces that commenced before the date on which this Constitution comes into operation, be the law that was in force immediately before that date ; and

(b) in so far as those benefits are wholly or partly in respect of a period of service as a public officer, as any officer in the department of the Clerk of the National Assembly or as a member of the armed forces that commenced after the date on which this Constitution comes into operation, be the law in force on the date on which that period of service commenced,

or any law in force at a later date that is not less favourable to that person.

(3) Where a person is entitled to exercise an option as to which of two or more laws shall apply in his case, the law for which he opts shall, for the purposes of this section, be deemed to be more favourable to him than the other law or laws.

(4) All pensions benefits shall (except to the extent to which, in the case of benefits under the Northern Rhodesia Civil Service (Local Conditions) Contributory Pensions Ordinance(a), or the Widows and Orphans Pension Ordinance(b) or under any law amending or replacing those Ordinances, they are a charge on a fund established by or under those Ordinances or any other law and have been duly paid out of that fund to the person or authority to whom payment is due) be a charge on the general revenues of the Republic.

(5) In this section "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers, as officers in the department of the Clerk of the National Assembly or as members of the armed forces or for the widows, children, dependants or personal representatives of such persons in respect of such service.

(6) References in this section to the law with respect to pensions benefits include (without prejudice to their generality) references to the law regulating the circumstances in which such benefits may be granted or in which the grant of such benefits may be refused, the law regulating the circumstances in which any such benefits that have been granted may be withheld, reduced in amount or suspended and the law regulating the amount of any such benefits.

(7) In this section references to service as a public officer include references to service as a public officer under the Government of the former Protectorate of Northern Rhodesia, references to service as an officer in the department of the Clerk of the National Assembly include references to service as an officer in the department of the Clerk of the Legislative Assembly of the former Protectorate of Northern Rhodesia and references to service as a member of the armed forces include references to service as a member of the armed forces of the former Protectorate of Northern Rhodesia.

**121.—**(1) Where under any law any person or authority has a discretion—

(a) to decide whether or not any pensions benefits shall be granted ;

or

(b) to withhold, reduce in amount or suspend any such benefits that have been granted,

those benefits shall be granted and may not be withheld, reduced in amount or suspended unless the appropriate Commission concurs in the refusal to grant the benefits or, as the case may be, in the decision to withhold them, reduce them in amount or suspend them.

Power of Com-  
missions in  
relation to  
pensions,  
etc.

(a) Laws of Northern Rhodesia, c. 48.

(b) Laws of Northern Rhodesia, c. 65.

(2) Where the amount of any pensions benefits that may be granted to any person is not fixed by law, the amount of the benefits to be granted to him shall be the greatest amount for which he is eligible unless the appropriate Commission concurs in his being granted benefits of a smaller amount.

(3) The appropriate Commission shall not concur under subsection (1) or subsection (2) of this section in action taken on the ground that any person who holds or has held the office of a judge of the Court of Appeal or of the High Court or the Auditor-General or Director of Public Prosecutions has been guilty of misbehaviour unless he has been removed from office by reason of such misbehaviour.

(4) In this section "the appropriate Commission" means—

(a) in the case of benefits for which any person may be eligible in respect of the service in the public service of a person who, immediately before he ceased to be a public officer, was subject to the disciplinary control of the Judicial Service Commission or that have been granted in respect of such service, the Judicial Service Commission ;

(b) in any other case, the Public Service Commission.

(5) In this section "pensions benefits" means any pensions, compensation, gratuities or other like allowances for persons in respect of their service as public officers (including service as public officers under the Government of the former Protectorate of Northern Rhodesia) or for the widows, children, dependents or personal representatives of such persons in respect of such service.

## CHAPTER X

### MISCELLANEOUS

Performance  
of functions  
of Com-  
missions.

**122.**—(1) Any Commission established by this Constitution may, with the consent of the President, by regulation or otherwise regulate its own procedure or confer power or impose duties on any officer or authority of the Government for the purpose of discharging its functions.

(2) Any decision of any Commission established by this Constitution shall require the support of the votes of the majority of all the members of the Commission :

Provided that, if upon any question the votes of the members of the Judicial Service Commission are equally divided, the Chairman of that Commission shall have a casting vote.

(3) Subject to the provisions of subsection (2) of this section, any Commission established by this Constitution may act notwithstanding the absence of any member or, in the case of the Judicial Service Commission, any vacancy in the office of the member referred to in section 104(1)(d) of this Constitution.

(4) Subject to the provisions of this section, any Commission established by this Constitution may determine its own procedure.

(5) References in this section to a Commission established by this Constitution include references to an Electoral Commission established under section 67 of this Constitution.

**123.—(1)** Any person who is appointed or elected to any office established by this Constitution may resign from that office by writing under his hand addressed to the person or authority by whom he was appointed or elected: Resignations.

Provided that in the case of a person who holds office as President his resignation from that office shall be addressed to the Chief Justice, in the case of a person who holds office as Speaker or Deputy Speaker of the National Assembly his resignation from that office shall be addressed to the Assembly, and in the case of an elected member of the Assembly his resignation shall be addressed to the Speaker.

(2) The resignation of any person from any office established by this Constitution shall take effect when the writing signifying the resignation is received by the person or authority to whom it is addressed or by any person authorised by that person or authority to receive it.

**124.—(1)** Where any person has vacated any office established by this Constitution, he may, if qualified, again be appointed or elected to hold that office in accordance with the provisions of this Constitution. Reappointments and concurrent appointments.

(2) Where a power is conferred by this Constitution upon any person to make any appointment to any office, a person may be appointed to that office notwithstanding that some other person may be holding that office, when that other person is on leave of absence pending the relinquishment of the office; and where two or more persons are holding the same office by reason of an appointment made in pursuance of this subsection, then, for the purposes of any function conferred upon the holder of that office, the person last appointed shall be deemed to be the sole holder of the office.

**125.—(1)** In this Constitution, unless the context otherwise requires— Interpretation.

“Act of Parliament” means a law enacted by Parliament;

“Barotseland” means the territory that, on 23rd October 1964, was comprised in the former Barotseland Protectorate;

“Chief” means—

(a) the Litunga of Barotseland;

(b) an African who is recognised by the Litunga and Council to be a member of a ruling tribal family in Barotseland and who is recognised by the President to be of Chiefly status in Barotseland; or

(c) an African who is recognised by the President under the provisions of the Native Authority Ordinance<sup>(a)</sup> or any law amending or replacing that Ordinance as a Paramount Chief, Senior Chief, Chief or Sub-Chief or an African who is appointed as a Deputy Chief;

“the Commonwealth” includes any dependency of a country which is a member of the Commonwealth;

“financial year” means the period of twelve months ending on 30th June in any year or on such other day as may be prescribed by or under an Act of Parliament;

“the former Protectorate of Northern Rhodesia” means the territory that, on 23rd October 1964, was comprised in the Protectorate of Northern Rhodesia;

“the Gazette” means the official Gazette of the Government;

(a) Laws of Northern Rhodesia, c. 157.

“high judicial office” means the office of a judge of a court of unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland or the office of judge of a court having jurisdiction in appeals from such a court ;

“the Judicial Committee” means the Judicial Committee of the Privy Council established by the Judicial Committee Act 1833(a) as from time to time amended by any Act of Parliament of the United Kingdom ;

“junior Minister” means a Minister of State, a Parliamentary Secretary or an Under-Minister ;

“the Litunga of Barotseland” means the person recognised as such by the President under the provisions of the Barotse Native Authority Ordinance(b) or any law amending or replacing that Ordinance ;

“meeting” means all sittings of the National Assembly held during a period beginning when the Assembly first sits after being summoned at any time and terminating when the Assembly is adjourned sine die or at the conclusion of a session ;

“oath” includes affirmation ;

“the oath of allegiance” means such oath of allegiance as may be prescribed by law ;

“public office” means an office of emolument in the public service ;

“public officer” means a person holding or acting in any public office ;

“the public service” means, subject to the provisions of subsections (2) and (3) of this section, the civil service of the Government ;

“session” means the sittings of the National Assembly beginning when it first sits after the coming into operation of this Constitution or after Parliament is prorogued or dissolved at any time and ending when Parliament is prorogued or is dissolved without having been prorogued ;

“sitting” means a period during which the National Assembly is sitting without adjournment and includes any period during which it is in committee ;

“statutory instrument” means any proclamation, regulation, order, rule or other instrument (not being an Act of Parliament) having the force of law ;

“subordinate court” means any court established for the Republic other than—

- (a) the Judicial Committee ;
- (b) the Court of Appeal ;
- (c) the High Court ; or
- (d) a court-martial.

(2) In this Constitution references to offices in the public service shall be construed as including references to the offices of judges of the Court of Appeal, judges of the High Court and to the offices of members of the Zambia Police Force.

(a) 3 & 4 Will. 4. c. 41.

(b) Laws of Northern Rhodesia c. 159.

(3) In this Constitution references to an office in the public service shall not be construed as including references to the office of the Attorney-General, of a member of any Commission established by this Constitution or any office in the department of the Clerk of the National Assembly.

(4) For the purposes of this Constitution, a person shall not be considered as holding a public office by reason only of the fact that he is in receipt of a pension or other like allowance in respect of service under the Government of Zambia or of the former Protectorate of Northern Rhodesia.

(5) A person shall not be regarded as disqualified for election to the National Assembly or for appointment to any office to which a public officer is not qualified to be appointed by reason only that he holds a public office if he is on leave of absence pending relinquishment of that office.

(6) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the term designating his office shall be construed as including a reference to any person for the time being lawfully acting in or performing the functions of that office:

Provided that nothing in this subsection shall apply to references to the President or Vice-President in sections 35, 36, 38 or 41 of this Constitution.

(7) References in this Constitution to the power to remove a public officer from his office shall be construed as including references to any power conferred by any law to require or permit that officer to retire from the public service:

Provided that nothing in this subsection shall be construed as conferring on any person or authority power to require a judge of the Court of Appeal or the High Court, the Auditor-General or the Director of Public Prosecutions to retire from the public service.

(8) Any provision in this Constitution that vests in any person or authority power to remove any public officer from his office shall be without prejudice to the power of any person or authority to abolish any office or to any law providing for the compulsory retirement of public officers generally or any class of public officer on attaining an age specified therein.

(9) Where power is vested by this Constitution in any person or authority to appoint any person to act in or perform the functions of any office if the holder thereof is himself unable to perform those functions, no such appointment shall be called in question on the ground that the holder of the office was not unable to perform those functions.

(10) No provision of this Constitution that any person or authority shall not be subject to the direction or control of any other person or authority in the exercise of any functions under this Constitution shall be construed as precluding a court of law from exercising jurisdiction in relation to any question whether that person or authority has performed those functions in accordance with this Constitution or any other law.



(11) References in this Constitution to the Northern Province, the Southern Province, the Eastern Province, the North-Western Province, the Luapula Province, the Central Province or the Western Province are references to those Provinces as from time to time delimited by or under the provisions of any law.

(12) Where any power is conferred by this Constitution to make any Proclamation, order, regulation or rule, or to issue any direction or certificate or confer recognition, the power shall be construed as including the power, exercisable in like manner, to amend or revoke any such Proclamation, order, regulation, rule, direction or certificate or to withdraw any such recognition:

Provided that nothing in this subsection shall apply to the power to issue a certificate conferred by section 35(2) of this Constitution.

(13) Any reference in this Constitution to a law made before 24th October 1964 shall, unless the context otherwise requires, be construed as a reference to that law as it had effect on 23rd October 1964.

(14) Any reference in this Constitution to a law that amends or replaces any other law shall be construed as including a reference to a law that modifies, re-enacts, with or without amendment or modification, or makes different provision in lieu of that other law.

(15) The Interpretation Act 1889(a) shall apply, with the necessary adaptations, for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of the Parliament of the United Kingdom.

Section 87.

## THE SCHEDULE TO THE CONSTITUTION

### ELECTION OF MEMBERS OF HOUSE OF CHIEFS TO REPRESENT PROVINCES

#### *Notice of Election*

1. For the purpose of electing the members of the House of Chiefs in each province there shall be a Chiefs Provincial Council, which shall consist of all Chiefs resident within that province.

2. Whenever he is informed by the President of the House of Chiefs that a vacancy or vacancies have occurred among the members of the House of Chiefs elected in the province, the Resident Secretary of the province shall, by notice published in such manner as may be prescribed by any law,—

- (a) appoint a day, not being less than fourteen days after the notice is so published, as nomination day for an election to fill the vacancy or vacancies and prescribe the latest hour on that day by which nomination papers shall be delivered to him;
- (b) appoint a day, not being less than fourteen days after the day appointed as nomination day, on which, and prescribe a place at which and the hour at which a meeting of the Chiefs Provincial Council shall be held to take a ballot if the election is contested.

### *Nomination*

3.—(1) No person shall be qualified to be nominated as a candidate in an election of a member of the House of Chiefs in a province unless he is a member of the Chiefs Provincial Council of the province.

(2) Each candidate in the election shall be nominated by a separate nomination paper delivered to the Resident Secretary not later than the expiration of the time prescribed for the delivery of nomination papers under paragraph 2.

(3) A nomination paper shall—

- (a) be in the prescribed form and state the full name and place of residence of the candidate ;
- (b) contain a statement signed by the candidate that he is willing to stand for election ;
- (c) be signed by two members of the Chiefs Provincial Council as proposer and seconder.

4.—(1) The Residing Secretary may hold a nomination invalid but only on one of the following grounds, that is to say—

- (a) that the nomination paper is not in the prescribed form ;
- (b) that the nomination paper is not signed by the persons required by the provisions of this Schedule ; or
- (c) that the nomination paper was not delivered as required by the provisions of this Schedule.

(2) The decision of the Resident Secretary that a nomination is valid shall be final and shall not be questioned in any court.

5. A candidate in respect of whom a nomination paper has been delivered to the Resident Secretary within the time allowed for the delivery of nomination papers may withdraw his candidature if notice in writing signed by him is delivered to the Resident Secretary not later than the expiration of the time allowed for the delivery of nomination papers.

### *Method of Election*

6.—(1) If, at the expiration of the time allowed for the delivery of nomination papers, the number of persons remaining validly nominated is more than the number of vacancies to be filled at the election, the persons to fill the vacancies in the House of Chiefs shall be elected from among the candidates so nominated by the votes of the Chiefs Provincial Council which shall be taken by ballot in accordance with the provisions of this Schedule.

(2) If, at the expiration of the time allowed for the delivery of nomination papers, the number of persons remaining validly nominated is equal to or less than the number of vacancies to be filled at the election the Resident Secretary shall declare those persons to be elected.

7. Where at an election it is necessary for a ballot to be taken the Resident Secretary shall cause a statement to be prepared (showing the persons who, at the expiration of the time allowed for the delivery of nomination papers, remain validly nominated) and to be delivered to the members of the Chiefs Provincial Council.

8. Where in a contested election a candidate in respect of whom a ballot is to be held dies before the commencement of the ballot the Resident Secretary shall countermand the ballot and a fresh election to fill the vacancy or vacancies in the House of Chiefs shall be commenced in accordance with the provisions of this Schedule.

*The ballot*

9. The ballot of a member of the Chiefs Provincial Council shall consist of a ballot paper, in the prescribed form, containing the names of the persons remaining validly nominated at the election, as given in their nomination papers, and opposite the name of each person a blank space in which the vote of the member of the Chiefs Provincial Council may be recorded.

10.—(1) The Resident Secretary shall preside at any meeting of the Chiefs Provincial Council at which a ballot is taken.

(2) The Resident Secretary shall provide a ballot box which shall at all times during the taking of the ballot be kept locked.

(3) The Resident Secretary shall cause a ballot paper to be delivered to each member of the Chiefs Provincial Council who is present at the meeting of the Council when the ballot commences (other than a person to whom a ballot paper has been sent in accordance with paragraph 14).

(4) A member of the Chiefs Provincial Council, on receiving a ballot paper, shall cast his vote by placing the mark "X" (and no other mark or writing) in the space on the ballot paper opposite the name of the candidate or candidates for whom he wishes to vote and shall then fold the paper so as to conceal his vote and proceed to the ballot box and insert the paper so folded into the box.

(5) A member of the Chiefs Provincial Council shall be entitled to cast the number of votes equivalent to the number of vacancies to be filled, but he shall not cast more than one vote for any one candidate in any ballot.

11. A member of the Chiefs Provincial Council who, by reason of blindness or other physical cause, is unable to mark a ballot paper delivered to him may request the assistance of the Resident Secretary (but no other person) in casting his vote and the Resident Secretary shall, if so requested, mark the ballot paper in the manner directed by the member.

12. A member of the Chiefs Provincial Council who, having received a ballot paper, inadvertently deals with it in such a manner that it cannot be used as a ballot paper may, on returning it to the Resident Secretary, obtain another ballot paper in its place.

13. The Resident Secretary shall, when he is satisfied that all members of the Chiefs Provincial Council present at the meetings at the commencement of the poll have had an opportunity to cast their votes, announce that the taking of the poll is concluded.

14.—(1) If the Resident Secretary is satisfied that any member of the Chiefs Provincial Council will be unable to attend a meeting of the Council at which a ballot is to be taken by reason of physical incapacity or of the nature of the journey from that person's residence to the place of meeting he may cause to be sent to that member a postal ballot paper in the prescribed form.

(2) Any chief to whom a postal ballot paper has been sent in accordance with the provisions of this paragraph may cast his vote in the election to which the ballot paper relates by marking the ballot paper in the manner specified in paragraph 10(4) and by causing the ballot paper to be delivered to the Resident Secretary not later than 9.00 a.m. on the day appointed for the taking of the ballot in the election.

#### *Counting of Votes*

15. Immediately after the close of the poll the votes shall be counted by the Resident Secretary.

16. A ballot paper shall be void and shall not be counted if—

(a) there are recorded on it more votes than one for any candidate ;

(b) there are recorded on it more votes than the member of the Chiefs Provincial Council is entitled to cast in the ballot ;

(c) there appears on it any writing, sign or mark by which the voter can be identified ;

(d) it is unmarked or the marking is uncertain ; or

(e) in the case of a postal ballot paper, it is not received by the Resident Secretary within the time prescribed by paragraph 14.

17.—(1) When the result of the ballot has been ascertained, the Resident Secretary shall cause to be prepared a list showing the candidates in order according to the number of votes received by each of them, the candidate or candidates who received the highest number of votes being placed first and those who received any lower number of votes being placed in descending order, those who received no votes being omitted from the list.

(2) The Resident Secretary shall declare as elected the candidates who stand in the first and each successive place on the list until the number of vacancies in respect of which the ballot was taken are filled.

(3) Where, by reason of an equality of votes between them, the number of candidates in any place on the list who would otherwise fall to be declared elected under sub-paragraph (2) of this paragraph exceed the number of vacancies to be filled, the Resident Secretary shall decide between those candidates by lot in such manner as he may determine and shall declare the candidate or candidates (equal in number to the vacancies to be filled) on whom the lot falls to be elected.

(4) Where any vacancies remain unfilled by reason that votes were given for a less number of candidates than the number of vacancies the Resident Secretary shall cause a further ballot to be held to fill those vacancies.

18. The Resident Secretary shall send to the Clerk of the House of Chiefs a statement in writing certifying the result of the election.

19. In this Schedule “the prescribed form” means such form as may be prescribed by any law and until such form is so prescribed the corresponding form prescribed by the House of Chiefs Regulations 1962.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

By virtue of the provisions of the Zambia Independence Act 1964 the present Protectorate of Northern Rhodesia will attain fully responsible status within the Commonwealth on 24th October 1964 under the name of Zambia. This Order makes provision for a Constitution for Zambia from that date.

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STATUTORY INSTRUMENTS

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1964 No. 1653

**AFRICA**

**The Zambia (Compensation and Retiring Benefits) Order 1964**

*Made - - - - - 15th October 1964*  
*Coming into Operation Immediately before*  
*24th October 1964*

\* *To be laid before Parliament*

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Zambia (Compensation and Retiring Benefits) Order 1964.

Citation and commencement.

(2) This Order shall come into operation immediately before 24th October 1964.

2.—(1) In this Order—

Interpretation.

(a) "Zambia" means the territories that immediately before 24th October 1964 are comprised in the Protectorate of Northern Rhodesia and, in relation to any period prior to the commencement of this Order, that Protectorate;

(b) "the limited compensation scheme" means the scheme of retirement benefits for pensionable overseas officers who retire in the interests of localization or are required to retire to facilitate the introduction of constitutional changes that was published by the Government of Northern Rhodesia on 6th January 1964 and "the general compensation scheme" means the Scheme of retirement benefits for members of Her Majesty's Overseas Civil Service and for officers designated under the Overseas Service (Northern Rhodesia) Agreement 1961 that was published by the Government of Northern Rhodesia on 6th January 1964.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament of the United Kingdom.

3. The provisions contained in the Schedule to this Order shall have effect in relation to the public service of Zambia.

Application of Schedule.

4.—(1) Where any officer or authority has before the commencement of this Order in pursuance of any provision of the limited compensation scheme or the general compensation scheme given any permission or consent or prescribed any condition or granted any benefit or made any payment or made any declaration or done any other thing for the purposes of that scheme, that permission, consent,

Transitional provisions.

\* This Instrument was laid before Parliament on 27th October 1964.

(a) 53 & 54 Vict. c. 37.

(b) 52 & 53 Vict. c. 63.

condition, benefit, payment, declaration or other thing shall be deemed to have been given, prescribed, granted, made or done, as the case may be, under the corresponding provision of the Schedule to this Order, and the provisions of that Schedule shall have effect accordingly.

(2) Where any officer has before the commencement of this Order in pursuance of any provision in the limited compensation scheme or the general compensation scheme given any undertaking or given or received any notice or retired or received any benefit he shall, provided that any conditions prescribed or deemed to have been prescribed by or under the Schedule to this Order are satisfied, be deemed to have given that undertaking, to have given or received that notice, or to have retired, or to have been granted or received that benefit, as the case may be, under the corresponding provision in that Schedule, and the provisions of that Schedule shall have effect accordingly.

(3) Any officer who has, before the commencement of this Order, been required under the provisions of the general compensation scheme, to retire to facilitate the localisation of the public service of Northern Rhodesia shall, for the purposes of the Schedule to this Order, be deemed to have retired under section 16 of the Zambia Independence Order 1964(a).

(4) The notice prescribed by the general compensation scheme to be given by officers who elect to retire from the public service shall be deemed to have been prescribed by the appropriate Service Commission under paragraph 4 of the Schedule to this Order; any declaration made by the Governor under the limited or general compensation scheme as to whether an officer has been or is required to retire in the circumstances described in paragraph 9 of that Schedule shall be deemed to have been made by the appropriate Service Commission under that paragraph; and any permission to retire given by the Governor under the limited compensation scheme in the circumstances described in paragraph 10 of that Schedule shall be deemed to have been given by the appropriate Service Commission under that paragraph.

(5) Any conditions or notices prescribed by the appropriate Service Commission for the purpose of paragraph 4 or paragraph 8 of the Schedule to this Order shall be not less favourable to any officer than any condition or notices prescribed by or for the purpose of the corresponding provision of the limited compensation scheme or the general compensation scheme as the case may be.

(6) Any compensation, gratuity, disturbance grant or interest paid under the limited compensation scheme or the general compensation scheme in Northern Rhodesia before the commencement of this Order may, if the person entitled to the payment so requests, be transferred to any one of the countries to which reference is made in head (a), (c), (d) or (e) of paragraph 15 of the Schedule to this Order.

Modified  
application.

5. If the Government of the United Kingdom and the Government of Zambia agree that, in their application to any officer, the foregoing provisions of this Order and the provisions of the Schedule thereto shall have effect subject to such modifications or exceptions as those Governments may agree, then those provisions shall have effect accordingly.

*W. G. Agnew.*

## SCHEDULE

### COMPENSATION AND RETIREMENT BENEFITS FOR CERTAIN OFFICERS IN THE PUBLIC SERVICE OF ZAMBIA

**1.—(1)** In this Schedule, unless the context otherwise requires—

Interpretation.

“appropriate law” in relation to an officer in the public service means the law in force in Zambia that governs the grant of pensions, gratuities and other like benefits in respect of the service of that officer in the public service ;

“appropriate Service Commission”—

(a) in relation to an officer who can be removed from his office by the Judicial Service Commission, means that Commission ;  
and

(b) in any other case, means the Public Service Commission ;

“entitled officer” means an overseas officer in the public service who on the operative date has not attained the age of fifty-five years or, in the case of a judge of the Court of Appeal or the High Court, sixty-two years and who—

(a) was before the operative date appointed or selected for appointment to an office in the public service being a pensionable office for the purposes of the appropriate law ;

(b) was on the operative date the substantive holder of an office that was at that date a pensionable office for the purposes of the appropriate law ;

(c) is a member of Her Majesty’s Overseas Civil Service or Her Majesty’s Overseas Judiciary, or a designated officer for the purposes of the Overseas Service (Northern Rhodesia) Agreement 1961 ;

(d) has since the operative date been the substantive holder of an office service in which may during his tenure thereof be taken into account in computing his pension under the appropriate law ; and

(e) has been confirmed in his appointment, where his appointment is subject to confirmation ;

and includes an officer in the public service on and since the operative date to whom the provisions of the Overseas Superannuation Scheme (Consolidation) Regulations apply ;

“General Orders” means the General Orders of the Government ;

“Government” means the Government of Zambia ;

“operative date” means 1st May 1964 ;

“overseas officer” means an officer in the public service whose conditions of service on the operative date included an entitlement to free overseas passages from Zambia for the purpose of leave of absence upon the completion of a tour of duty ;

“Overseas Superannuation Scheme (Consolidation) Regulations” means any regulations so entitled made by a Secretary of State ;

“pensionable emoluments” means emoluments that may be taken into account in computing the pension of an officer under the



appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be ;

“ pensionable service ” means the aggregate amount of service that may be taken into account for the purpose of computing the pension of an officer under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be, and in the case of an officer to whom the Oversea Superannuation Scheme (Consolidation) Regulations apply includes service that could be taken into account for the purpose of computing pensions under the European Officers' Pensions Ordinance of Zambia ;

“ public service ” means the public service of Zambia ;

“ substantive holder ” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

(2) For the purposes of this Schedule—

(a) a person shall not be regarded as holding any office on the operative date if on that date he was on leave of absence pending his retirement otherwise than under this Schedule ;

(b) a person whose office has been abolished and who retires in consequence of the abolition of his office shall be deemed to be the substantive holder of that office during the period between the date on which the office was abolished and the date of expiration of any leave of absence granted to him pending his retirement ;

(c) when an officer on probation is required to retire—

(i) under section 16 of the Zambia Independence Order 1964 ;

(ii) to facilitate the introduction of constitutional changes ;

(iii) in consequence of injury or ill-health ;

(iv) in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of that part of the public service to which he belongs by which greater economy or efficiency may be effected ; or

(v) on the grounds of age in accordance with the provisions of the appropriate law,

he shall be deemed to have been confirmed in his appointment immediately before the day upon which he was given notice requiring him to retire ;

(d) subject to the provisions of head (a) of this sub-paragraph, an officer who satisfies the conditions specified in heads (a), (b), (c) and (e) of the definition of “ entitled officer ” in sub-paragraph (1) of this paragraph, and who has, before the date of the commencement of this Order, retired or died, shall be deemed to have become entitled to compensation under paragraph 2 or paragraph 9, as the case may be, of this Schedule and the provisions of this Schedule shall have effect in relation to such officer as if he were an entitled officer immediately before such retirement or death ;

(3) For the purposes of calculating the compensation to which an officer is entitled under this Schedule, where the officer is seconded to the service of another government or authority on the date taken

for calculation he shall be deemed to have such annual pensionable emoluments on that date as he would have had on that date if he had not been so seconded but had continued until that date to hold the office in the public service that he was holding immediately before his secondment and had been granted all increments and other increases of salary for which he would thus have been eligible ;

(4) An entitled officer who is required to retire and who, immediately before being so required acted for a period of six months to the satisfaction of the appropriate Service Commission in a pensionable office the pensionable emoluments of which were higher than those of the office of which he was the substantive holder, shall be deemed to have been confirmed in the pensionable office in which he was acting.

(5) Where an officer was on any date appointed or selected for appointment to an office in the public service upon transfer from pensionable employment under the Government of the United Kingdom in a public office as defined by the Superannuation Act 1892(a) and for any period thereafter was entitled to return to such pensionable employment he shall not for the purposes of this Schedule be regarded as having been on that date appointed or, as the case may be, selected for appointment as the substantive holder of an office in the public service but shall for those purposes be regarded as having been so appointed or selected on the date on which he ceases to be entitled to return to such pensionable employment if on that date he was holder of an office in the public service.

2.—(1) Subject to the provisions of this Schedule, every entitled officer shall, at the commencement of this Order or, in the case of a person who becomes an entitled officer after that date, at the date on which he becomes an entitled officer, become entitled to compensation which shall be assessed in accordance with the provisions of this paragraph and at each assessment shall be calculated by multiplying the amount of his annual pensionable emoluments on the date taken for calculation by the appropriate factor and the resulting amount, or twelve thousand pounds, whichever is the less, shall be the amount to which he is entitled.

Entitlement to compensation.

(2) The compensation of each entitled officer under this paragraph which has not already been provisionally assessed shall be provisionally assessed as soon as is reasonably practicable after the commencement of this Order or, in the case of a person who becomes an entitled officer after the commencement of this Order, as soon as is reasonably practicable after that person becomes an entitled officer and for that purpose the date to be taken for calculation shall be the operative date or, in the case of a person who becomes an entitled officer after the operative date, the date on which that person became an entitled officer.

(3) The compensation under this paragraph of each person who is serving as an entitled officer shall be provisionally reassessed upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of this paragraph and shall be finally assessed upon his retirement or death while still serving as an entitled officer and for the purposes of this sub-paragraph the date to be taken for calculation shall be such date (not being earlier than

the date in relation to which his compensation was assessed under sub-paragraph (2) of this paragraph or later than the date upon which his compensation is provisionally reassessed or finally assessed, as the case may be) as is most advantageous in relation to the officer.

(4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table I of the Annex to this Schedule (or, in the case of a judge of the Court of Appeal or the High Court, Table II of that Annex) that is appropriate to the age and pensionable service of that officer on the date taken for calculation reckoned in completed years and months or, if it is more favourable to the officer, reckoned in completed years without regard to parts of a year.

Payment of  
compensa-  
tion.

3.—(1) When the compensation of an entitled officer has been provisionally assessed under paragraph 2(2) of this Schedule, a payment shall be made to that officer, which—

(a) in the case of an entitled officer who has undertaken, otherwise than in relation to his promotion in the public service, to serve as such for any period (not being less than two years beginning on the operative date, or, if he was not an entitled officer on the operative date, on the date on which he became an entitled officer, exclusive of any period in which he is on leave of absence) shall be an amount equal to the amount of the compensation or two thousand pounds, whichever is the less;

(b) in any other case, shall be an amount equal to the amount of the compensation as so assessed or, if that amount exceeds one thousand pounds, then one-sixth of the amount of compensation or one thousand pounds, whichever is the greater:

Provided that if an entitled officer gives such an undertaking after a payment has been made to him under this sub-paragraph, but not later than twelve months after the date in relation to which his compensation was assessed under paragraph 2(2) of this Schedule, he shall be paid as soon as is reasonably practicable after the date on which he gave that undertaking and in any case within three months of that date, an amount which when added to the amount already paid to him equals the amount he would have been paid under this sub-paragraph if he had given that undertaking before any payment had been made to him under this sub-paragraph.

(2) Subject to the provisions of paragraph 13 of this Schedule, a further payment shall be made to every person who has become entitled to compensation under paragraph 2 of this Schedule and who has not already received the whole of that compensation (whether that person is serving as an entitled officer or has retired) upon each anniversary of the date in relation to which his compensation was assessed under sub-paragraph (2) of that paragraph, which—

(a) in the case of a payment made upon the first, second, third or fourth anniversary, shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding; and

(b) in the case of a payment made upon the fifth or any later anniversary, shall be an amount equal to the balance of compensation then outstanding:

Provided that—

(i) where the balance of compensation outstanding upon the first, second, third or fourth anniversary exceeds five

hundred pounds and, in the case of an officer to whom sub-paragraph (1)(a) of this paragraph applies, where that balance, if added to the amount of compensation already paid under this paragraph, would exceed two thousand pounds, an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid ;

(ii) where the balance so outstanding is less than five hundred pounds, or, in the case of an officer to whom sub-paragraph (1)(a) of this paragraph applies, where that balance exceeds five hundred pounds but would not, if added to the amount of compensation already paid under this paragraph, exceed two thousand pounds, an amount equal to that balance shall be paid.

(3) In this section "the appropriate fraction"—

- (a) in relation to an assessment made upon the first anniversary, means one-fifth ;
- (b) in relation to an assessment made upon the second anniversary, means one-quarter ;
- (c) in relation to an assessment made upon the third anniversary, means one-third ; and
- (d) in relation to an assessment made upon the fourth anniversary, means one-half.

4.—(1) Subject to the provisions of this paragraph, an entitled officer may, after giving such notice as may be prescribed by the appropriate Service Commission, retire at any time. Retirement.

(2) An entitled officer who has given notice of his intention to retire under this paragraph on any date may, with the consent of the appropriate Service Commission, withdraw the notice at any time before that date.

(3) No entitled officer shall retire under this paragraph without the permission of the appropriate Service Commission :

Provided that the Commission shall not withhold permission unless disciplinary proceedings are being taken, or are about to be taken, against the officer and those proceedings might lead to his dismissal.

(4) An entitled officer—

- (a) who is permitted to retire by reason of injury or ill health ;
- (b) who is required to retire on or after his attainment of any age prescribed by law ;
- (c) who is required to retire in consequence of the abolition of his office or for the purpose of facilitating improvements in the organization of the part of the public service to which he belongs by which greater economy or efficiency may be effected ,
- (d) who is required to retire in the public interest ;
- (e) who is required to retire under section 16 of the Zambia Independence Order 1964 ; or
- (f) in the case of a woman officer, who is required to retire upon her marriage,

shall be deemed to have retired under this paragraph.

(5) In the case of an entitled officer who retires under sub-paragraph (1) of this paragraph and—

(a) who is on leave of absence after completing a tour of residential service—

(i) if he returns to Zambia for further duty at the requirement of the Government he shall be provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when returning to Zambia for a tour of duty, and when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(ii) if he returns to Zambia to settle his affairs and on his return completes a tour of residential service of not less than twelve months, he will be paid the cost of the passages for himself and his family and of transporting his baggage to Zambia (but not exceeding the cost of such passages and baggage facilities as an officer of similar status is entitled to under General Orders when returning to Zambia for a tour of duty) and provided with such passages for himself and his family and such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(iii) if he does not return to Zambia, he shall be provided with such baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(b) who retires in any other circumstances, he shall be provided with such passages and baggage facilities for himself and his family as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) In the case of the retirement of an entitled officer who is required to retire in the circumstances described in sub-paragraph (4)(c) or (e) of this paragraph (except in the case of an officer to whom paragraph 16 of this Schedule applies) and—

(a) who is on leave of absence after completing a tour of residential service—

(i) he shall, if the period of leave on full pensionable emoluments for which he is eligible on the date upon which he is given notice under that section requiring him to retire is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence from that date up to six months ;

(ii) he shall (if he returns to Zambia to settle his affairs) be provided with a passage to Zambia for his own use as if he were returning to Zambia for a further tour of residential service and such passage and such baggage facilities as an officer of

similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ; and

(iii) in the case of the retirement of an entitled officer who is required to retire in circumstances described in sub-paragraph (4)(e) of this paragraph and who returns to Zambia to settle his affairs, he shall be paid a subsistence allowance at the rate prescribed by General Orders for the period (but not exceeding twenty-one days) of his stay in Zambia ;

(b) who retires in any other circumstances—

(i) he shall not be required to depart from Zambia on leave of absence pending his retirement until the expiration of a period of six months from the date upon which he was given notice requiring him to retire ;

(ii) he shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service ;

(iii) he shall, if the period of leave on full pensionable emoluments for which he is eligible is less than six months, be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence pending his retirement up to six months.

5.—(1) Where an entitled officer dies and it is lawful under the provisions of the appropriate law for a gratuity to be granted to his personal representatives, there shall be granted to his personal representatives either that gratuity or a gratuity equal to the maximum gratuity that could have been granted to that officer under the provisions of paragraph 11 of this Schedule if he had retired under this Schedule at the date of his death, whichever is the greater :

Special  
gratuity on  
the death  
of certain  
officers.

Provided that, in the case of an officer to whom Part II of the European Officers' Pensions Regulations of Zambia applied, in respect of that proportion of the pension for which he would have been eligible, if he had retired under this Schedule at the date of his death and which is attributable to his pensionable service otherwise than in the public service the provisions of paragraph 11(1)(c) of this Schedule shall not apply and the permitted fraction referred to in that paragraph shall not be less than three-quarters.

(2) For the purposes of the proviso to sub-paragraph (1) of this paragraph the proportion of a pension which is attributable to the pensionable service of an officer otherwise than in Zambia shall be that proportion of the pension for which the officer would have been eligible if his pensionable service had been wholly in Zambia as the aggregate amount of his pensionable emoluments during his pensionable service otherwise than in Zambia bears to the aggregate amount of his pensionable emoluments throughout his pensionable service.

(3) Where an entitled officer to whom the Oversea Superannuation Scheme (Consolidation) Regulations apply dies and a gratuity is payable to his personal representatives under those Regulations, there shall be granted to his personal representatives a gratuity equal to the amount produced by subtracting the amount of the gratuity payable under those Regulations from the amount of the maximum gratuity which could have been granted to that officer under paragraph 11 of this Schedule if that paragraph and the European Officers' Pensions Ordinance of Zambia had applied to him and he had retired under this Schedule at the date of his death.

(4) The Permanent Secretary, Ministry of Finance, may direct that instead of being paid to the personal representatives, any gratuity payable under this paragraph shall be paid to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Permanent Secretary may think fit.

Officers  
reappointed  
to U.K.  
service.

6.—(1) This paragraph applies to an entitled officer or an officer to whom paragraph 9 or 10 of this Schedule applies, who has retired under this Schedule and—

(a) who was transferred to the public service from pensionable employment under the Government of the United Kingdom either in a public office as defined by the Superannuation Act 1892 or in employment pensionable under the Federated Superannuation System for Universities; and

(b) who not later than twelve months after he retired has (other than as the result of a competition conducted by the Civil Service Commissioners of the United Kingdom) returned to such pensionable employment.

(2) A person to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or paragraph 9 or paragraph 10 of this Schedule, as the case may be, but shall be entitled to compensation of an amount equal to—

(a) one-half of the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule; or

(b) the amount he would receive if he were entitled to compensation under paragraph 7 of this Schedule, having been transferred to the pensionable employment referred to in sub-paragraph (1)(b) of this paragraph on the date on which he retired,

whichever is the less.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and—

(a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under this Schedule before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule; or

(b) if the amount of compensation he has already received under this Schedule exceeds the amount of compensation to which he

is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.

7.—(1) This paragraph applies to an entitled officer and to an officer to whom paragraph 10 of this Schedule applies who is transferred from the public service— Transfer to other public service.

(a) to the service of a government or authority that is a Scheduled Government for the purposes of Part II of the European Officers' Pensions Regulations of Zambia in circumstances in which he remains eligible for the grant of a pension under the appropriate law or the Oversea Superannuation Scheme (Consolidation) Regulations, as the case may be, upon his eventual retirement; or

(b) to service in the office of Governor in such circumstances that he is or may become eligible for a pension under the Governors' Pensions Act 1957(a):

Provided that—

(a) it does not apply to an officer to whom paragraph 6 of this Schedule applies;

(b) it applies to any officer—

(i) who but for the provisions of paragraph 1(3) of this Schedule, would be an entitled officer; and

(ii) who in the opinion of the appropriate Service Commission, would have had a reasonable prospect of becoming an entitled officer if no constitutional changes had been introduced; and

(iii) who unless prevented by circumstances beyond his control, serves for a period of not less than two years residential service beginning on the operative date; and

(iv) who returns to pensionable employment under the Government of the United Kingdom in a public office as defined in the Superannuation Act 1892,

as if he were an entitled officer.

(2) An officer to whom this paragraph applies shall cease to be entitled to compensation under paragraph 2 or 10 of this Schedule, as the case may be, but if the amount of his annual pensionable emoluments immediately before his transfer exceeds the amount of the annual emoluments payable to him immediately after his transfer (being emoluments that may be taken into account for the purposes of his pension under the law or regulations relating to his service in that other public service) he shall be entitled to compensation equal to—

(a) the amount of the excess multiplied by the appropriate factor; or

(b) the amount he would receive if he were entitled to compensation under paragraph 2 of this Schedule, having retired on the date of his transfer,

whichever is the less.

(3) If the provisions of this paragraph become applicable to any person, his compensation shall forthwith be reassessed, and—



- (a) if the amount of compensation as so reassessed exceeds the amount he has already received under this Schedule, the balance of compensation then outstanding shall be paid, together with any unpaid interest that has accrued under that paragraph before the reassessment, in the manner prescribed by paragraph 3 of this Schedule for the payment of compensation assessed under paragraph 2 of this Schedule ; or
- (b) if the amount of compensation which has already been received under that paragraph exceeds the amount of compensation to which he is entitled under this paragraph, the excess shall forthwith become repayable, but in any such case any interest received on account of such excess shall not be repayable.
- (4) In this paragraph "the appropriate factor" in relation to an officer means the factor obtained from Table III of the Annex to this Schedule that is appropriate to the age of the officer at the date of his transfer reckoned in completed years and completed months.

Penalties  
for breach  
of under-  
takings.

8.—(1) If an entitled officer who has given an undertaking for the purposes of paragraph 3(1)(a) of this Schedule ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the Government or by reason of his death, his retirement in circumstances beyond his control or his transfer to other public service in the circumstances described in paragraph 7 of this Schedule, then the amount of compensation to which he would otherwise be entitled under paragraph 2 of this Schedule shall be reduced by an amount equal to one-half per centum for each month or part of a month during that period in which he has not served in accordance with the undertaking, or two hundred pounds, whichever is the less.

(2) If an entitled officer has been granted promotion in the public service after the operative date upon his giving an undertaking to serve upon such conditions as may be prescribed by the appropriate Service Commission for any period ceases to serve in accordance with the terms of that undertaking at any time before the end of the period to which the undertaking relates otherwise than with the consent of the Government or by reason of his death or his retirement in circumstances beyond his control, then the amount of compensation to which he is entitled under paragraph 2 of this Schedule shall be reassessed and the amount of his compensation shall be determined as if his annual pensionable emoluments in relation to the date of his promotion or any subsequent date were the amount of the pensionable emoluments which would have been used in accordance with Regulation 7 of the European Officers' Pension Regulations of Zambia for the purpose of pension as if he had retired on that date ; and in the case of a judge of the Court of Appeal or the High Court promoted to that office after the commencement of this Order on the basis that the appropriate factor is that obtained from Table I of the Annex to this Schedule.

(3) If any of the provisions of this paragraph become applicable to any entitled officer, his compensation shall be reassessed accordingly and paid in accordance with paragraph 3 of this Schedule and if the amount of compensation he has already received under that paragraph exceeds the amount of compensation to which he is entitled under the reassessment the excess shall forthwith become repayable.

**9.—(1) This paragraph applies—**

Retirement  
to facilitate  
constitu-  
tional  
changes.

(a) to any officer in the public service who has been declared by the appropriate Service Commission to be an officer required before the operative date to retire to facilitate the reconstitution of the Government ; and

(b) to any entitled officer who is declared by the appropriate Service Commission to be an officer required to relinquish the duties of his office and thereafter to retire in order to facilitate the introduction of constitutional changes.

(2) An officer to whom this paragraph applies shall retire at the expiration of the period of leave of absence for which he is eligible :

Provided that if the period of leave of absence on full pensionable emoluments for which he is eligible is less than six months he shall be granted such additional leave on full pensionable emoluments as will bring the aggregate period of such leave of absence up to six months and shall retire at the expiration of that additional leave of absence.

(3) (a) An officer to whom sub-paragraph (1)(a) of this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 16 of this Schedule applies) be entitled to and shall as soon as reasonably practicable be paid compensation equal to the amount he would be entitled to if he were entitled to compensation under that paragraph ; and

(b) the compensation of an entitled officer to whom sub-paragraph (1)(b) of this paragraph applies and to whom paragraph 16 of this Schedule does not apply shall as soon as reasonably practicable be finally assessed and paid to him ;

Provided that, for the purposes of calculating the compensation to which an officer to whom this paragraph applies is entitled, the date to be taken for calculation shall be such date (not being earlier than the operative date or, in the case of an officer who was, before the operative date, notified that he would be required to retire, the date on which he was so notified or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) An officer to whom this paragraph applies shall as soon as reasonably practicable be paid a disturbance grant equal to one-quarter of his annual pensionable emoluments at his retirement.

(5) An officer to whom this paragraph applies shall be provided with such passages and baggage facilities as an officer of similar status is entitled to under General Orders when retiring from the public service having attained the age of fifty-five years and having completed a final tour of residential service.

(6) The provisions of paragraphs 5, 11, 12, 15 and 16 of this Schedule shall apply to an officer to whom sub-paragraph (1)(a) of this paragraph applies as if that officer were an entitled officer.

**10.—(1) This paragraph shall apply to an officer in the public service who has before the operative date been given permission to retire from that public service by the appropriate Service Commission on the ground that his retirement will enable a qualified local candidate**

Voluntary  
retirement on  
permission  
given before  
operative  
date.

to be appointed to an office in that public service, or that that officer has been superseded for promotion by a local officer in pursuance of the policy of the Government of giving preference to local officers in respect of promotion.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under paragraph 2 of this Schedule but shall (except in the case of an officer to whom paragraph 16 of this Schedule applies), on the date upon which he was given permission to retire by the appropriate Service Commission, be entitled to compensation calculated by multiplying the amount of his annual pensionable emoluments on the date to be taken for calculation by the appropriate factor and the resulting amount or twelve thousand pounds, whichever is the less, shall be the amount to which he is entitled.

(3) For the purposes of this paragraph the date to be taken for calculation shall be such date (not being earlier than the date upon which the officer was given permission to retire by the appropriate Service Commission or later than the date of the expiration of his leave of absence pending retirement) as is most advantageous to the officer.

(4) Subject to the provisions of paragraph 13 of this Schedule, the compensation to which an officer to whom this paragraph applies becomes entitled under this paragraph shall be paid to him in the manner following, that is to say—

- (a) a payment to be made at least three months before the date upon which such officer departs from Zambia on leave of absence pending retirement, which payment shall be an amount equal to the amount of compensation to which the officer is entitled or if that amount exceeds one thousand pounds then one-sixth of the amount of that compensation or one thousand pounds, whichever is the greater ;
- (b) a second payment to be made to every such officer who has not already received the whole of that compensation, at the expiration of six months from the date upon which his leave of absence pending retirement commenced, and further payments on the first, second, third and fourth anniversaries of the date upon which the second payment was made, which—
  - (i) in the case of the second payment and the payment made on the first, second or third anniversary shall be an amount equal to the appropriate fraction of the balance of compensation then outstanding ; and
  - (ii) in the case of the payment made on the fourth anniversary, shall be equal to the balance of compensation then outstanding :

Provided that—

- (a) where the balance of compensation outstanding at the date when the second payment is due to be made or upon the first, second or third anniversary of that date exceeds five hundred pounds an amount equal to the appropriate fraction of that balance or four hundred pounds, whichever is the greater, shall be paid ; and
- (b) where the balance so outstanding is less than five hundred pounds an amount equal to that balance shall be paid.

**(5) In this paragraph—**

- (a) “the appropriate factor” has the same meaning as in paragraph 2 of this Schedule;
- (b) “the appropriate fraction”—
  - (i) in relation to the second payment means one-fifth;
  - (ii) in relation to the first anniversary means one-quarter;
  - (iii) in relation to the second anniversary means one-third; and
  - (iv) in relation to the third anniversary means one-half.

(6) Subject to the provisions of paragraph 13 of this Schedule, if an officer to whom this paragraph applies does not retire from the public service in accordance with the permission given to him by the appropriate Service Commission he shall cease to be entitled to compensation under this paragraph and any compensation that may have been paid to him under the provisions of sub-paragraph (4) of this paragraph shall be repaid by him to the Government.

(7) The provisions of paragraphs 4(6)(a)(ii), 5, 11, 12, 13, 15 and 16 of this Schedule shall apply in relation to an officer to whom this paragraph applies as if that officer were an entitled officer.

**11.—(1)** Subject to the provisions of paragraphs 16 and 17 of this Schedule, an entitled officer, on his retirement under this Schedule, may be granted at his option (such option to be exercised in accordance with the provisions of Regulation 14 of the European Officers' Pensions Regulations of Zambia) either—

Grant of pensions and gratuities.

- (a) a pension of such amount as may be granted under the appropriate law;
  - (b) a reduced pension equal to such fraction as he may desire of the pension that may be granted under the appropriate law (not being, in the case of an officer who retires within twelve years of the operative date, less than the permitted fraction) together with a gratuity equal to the annual amount of the remaining fraction of that pension multiplied by the appropriate factor; or
  - (c) in the case of an officer who retires not less than twelve years after the operative date, a gratuity equal to the annual amount of the pension that may be granted under the appropriate law multiplied by the appropriate factor.
- (2) For the purposes of this paragraph an officer shall be deemed to be eligible for the grant of a pension under the appropriate law—
- (a) notwithstanding that he may have retired before attaining the age specified in the appropriate law as qualifying him for the grant of a pension; and
  - (b) notwithstanding that he may not have completed at the date of his retirement the period of qualifying service required by the appropriate law to render him eligible for the grant of a pension.
- (3) Where an officer retires by reason of injury or ill health in circumstances in which he could under the appropriate law be granted

an additional pension the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law included references to that additional pension.

(4) Where an officer to whom this paragraph applies retires in consequence of the abolition of his office or for the purpose of facilitating improvements in the organisation of the part of the public service to which he belongs by which greater economy or efficiency may be effected in circumstances in which he could under the appropriate law be granted an additional pension, the provisions of this paragraph shall have effect in relation to that officer as if references to the pension that may be granted under the appropriate law did not include references to that additional pension.

(5) For the purposes of this paragraph the amount of the pension or gratuity that an officer who is required to retire in the circumstances described in paragraph 4(4)(c) or (e) or paragraph 9 of this Schedule or on the grounds of age before attaining the age of fifty-five years or in the case of a judge or the Court of Appeal or the High Court, sixty-two years may be granted under the appropriate law shall be calculated by reference to the full annual pensionable emoluments enjoyed by him on the date immediately prior to his retirement.

(6) If an officer has not exercised the option conferred upon him by sub-paragraph (1) of this paragraph within the period in which it is required to be exercised he shall be deemed to have opted for the grant of a pension of such amount as may be granted under the appropriate law.

(7) In this paragraph—

“the appropriate factor” in relation to an officer means the factor obtained from Table IV of the Annex to this Schedule that is appropriate to the age of that officer on the date immediately prior to his retirement reckoned in completed years and completed months ;

“the permitted fraction”—

(a) in relation to an officer who retires within one year of the operative date, means three-quarters ;

(b) in relation to an additional pension granted on account of injury under regulation 11(1) of the European Officers' Pensions Regulations of Zambia, means three-quarters ; and

(c) subject to head (b) of this definition, in relation to an officer who retires within not less than one and not more than twelve years of the operative date, means such fraction as is obtained by subtracting one-sixteenth for each complete year of his pensionable service after the operative date from three-quarters :

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement, leave of absence granted in respect of service prior to the operative date the enjoyment of which had on the operative date been deferred shall not be taken into account.

**12.—(1)** Subject to the provisions of paragraphs 16 and 17 of this Schedule, where any entitled officer to whom Part II of the European

Officers' Pensions Regulations of Zambia applies retires under this Schedule and is granted by any government or other authority that is a Scheduled Government for the purposes of that Part both a pension and a gratuity, having elected to receive that pension and that gratuity in lieu of a pension of greater amount, he may be granted (in addition to any gratuity that may be granted to him under paragraph 11 of this Schedule) a gratuity equal to the amount (if any) by which the amount produced by—

- (i) subtracting the annual amount of the pension granted to him by the Scheduled Government from the annual amount of the pension that would have been granted to him by that Government had he not elected to receive the gratuity granted to him by the Scheduled Government ; and
  - (ii) multiplying the resulting amount by the appropriate factor,
- exceeds the amount of the gratuity granted to him by the Scheduled Government.

(2) Subject to the provisions of paragraphs 16 and 17 of this Schedule, where an entitled officer to whom the provisions of the Oversea Superannuation Scheme (Consolidation) Regulations apply retires under this Schedule and is granted under those Regulations a pension and a lump sum—

(a) he may be granted a gratuity equal to the amount produced by subtracting that lump sum from the sum arrived by multiplying by the appropriate factor one-quarter of the annual amount of the pension he would have received if his pension had been calculated under the European Officers' Pensions Ordinance of Zambia ; and

(b) he may be granted (in addition to any gratuity that may be granted to him under head (a) of this sub-paragraph) at his option—

(i) on assigning to the Government a part of the annual amount of the pension granted to him under those Regulations (not being in the case of an officer who retires within twelve years of the operative date, more than the permitted fraction) ;  
or

(ii) in the case of an officer who retires not less than twelve years after the operative date, on assigning the whole of the annual amount of such pension,

a gratuity equal to the amount of his pension so assigned multiplied by the appropriate factor ; such option to be exercised before the date of retirement or, in the case of an officer to whom paragraph 4(4) of this Schedule applies, within one month after that date.

(3) In this paragraph—

“the appropriate factor” has the same meaning as in paragraph 11 of this Schedule ;

“the permitted fraction”—

(a) in relation to an officer who retires within not less than one year but within two years of the operative date, means one-twelfth ;

(b) in relation to an officer who retires within not less than two years of the operative date, means the fraction obtained by adding one-twelfth for each completed year of his pensionable service after the operative date to one-twelfth:

Provided that in reckoning for the purposes of this sub-paragraph the years of pensionable service of an officer who is granted leave of absence pending his retirement leave of absence granted in respect of service prior to the operative date enjoyment of which had on the operative date been deferred shall not be taken into account.

**13.—(1) Whenever—**

Special provisions as to compensation.

- (a) a person who has become entitled to compensation under paragraph 2 or paragraph 10 of this Schedule but who has not already received the whole of that compensation (and in the case of an entitled officer whether he is still serving as such or has already retired) attains the age of fifty-five years or, in the case of a person who is or was when he retired a judge of the Court of Appeal or the High Court, sixty-two years, or dies before attaining that age ;
- (b) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 retires in the circumstances described in paragraph 4(4)(a), (c) or (d) of this Schedule before he has attained that age or is required to retire in the circumstances described in paragraph 4(4)(b) of this Schedule ; or
- (c) an entitled officer who has not already received the whole of the compensation to which he is entitled under paragraph 2 or paragraph 10 of this Schedule retires in any other circumstances before he has attained that age but on or after the fifth anniversary of the operative date or, in the case of a person who became an entitled officer after that date, of the date on which he became an entitled officer,

the balance then outstanding of the compensation to which he is entitled shall be paid to that person or, if that person is dead, to his personal representatives.

(2) Whenever an entitled officer, who has not already received the whole of the compensation to which he is entitled under paragraph 2 of this Schedule, is required to retire under section 16 of the Zambia Independence Order 1964 before attaining the age of fifty-five years, or, in the case of a person who is or was when he retired a judge of the Court of Appeal or the High Court, sixty-two years, the balance then outstanding of the compensation to which he is entitled under that paragraph shall be paid to him—

- (a) if notice requiring him to retire is given to him while he is engaged upon a tour of residential service, before his departure from Zambia ; or
- (b) if such notice is given to him while on leave of absence after completing a tour of residential service, as soon as reasonably practicable after the date upon which such notice is given to him.

(3) The Permanent Secretary, Ministry of Finance may direct that instead of any payment being made to the personal representatives of a deceased person payment shall be made to one of the dependants of the deceased or to two or more of those dependants in such proportions as the Permanent Secretary may think fit.

(4) Whenever any payment of compensation becomes due under paragraph 3, paragraph 9(1)(b) or paragraph 10 of this Schedule interest at the rate of five per centum per annum shall accrue from day to day—

(a) in cases where the compensation has not been finally assessed, during the period between the date on which the amount of the compensation was last due to be assessed and the date on which the next following assessment is to be made ;

(b) in cases where the compensation has been finally assessed, during the period between the date on which that payment of compensation became due and the date on which the next following payment of compensation will become due,

upon any part of the compensation that did not then become payable and that interest shall become payable at the end of the period during which it accrued :

Provided that in the case of compensation payable under paragraph 10 of this Schedule the period during which interest accrues shall begin at the date upon which the first payment of compensation becomes payable under paragraph 10(4)(a) of this Schedule or the date on which the officer was given permission to retire under that paragraph, whichever is the later.

14.—(1) When disciplinary proceedings are taken, or are about to be taken, against any person who is serving as an entitled officer and those proceedings might lead to his dismissal, the payment of compensation under this Schedule and interest thereon shall be withheld pending the determination of those proceedings.

Disciplinary proceedings and dismissal.

(2) Where any person who is serving as an entitled officer is dismissed, any compensation that he has not already received may, with the approval of the appropriate Service Commission, be withheld.

15. Any compensation, gratuity, disturbance grant or interest payable under this Schedule to an officer or to his personal representatives or dependants shall be paid, in accordance with any request made from time to time by such officer, his personal representatives or his dependants, as the case may be, in any of the following countries—

Place of payment and rate of exchange.

(a) in the United Kingdom ;

(b) in Zambia ;

(c) in the country from which the officer was recruited or where he intends to reside ;

(d) in the case of payment to the personal representatives of an officer or his dependants, in the country in which the personal representatives or the dependants, as the case may be, reside ; or

(e) in such other country as the officer or his personal representatives or dependants may, with the concurrence of the Permanent Secretary, Ministry of Finance, select,

in the currency of the country in which payment is to be made ; and, where payment is to be made in a country other than Zambia, the amount of the payment shall be such as would produce, at the official



rate of exchange prevailing at the date of the payment, the amount in sterling of the compensation, gratuity, disturbance grant or interest as calculated at the official rate of exchange prevailing on the operative date.

Right to  
opt for  
abolition  
terms.

**16.—(1)** An entitled officer who, before he receives his initial payment of compensation, gives notice of retirement under paragraph 4 of this Schedule, or is required to retire under section 16 of the Zambia Independence Order 1964 or paragraph 9(1)(b) or 10 of this Schedule may at his option (such option to be exercised within three months of the commencement of this Order or, in the case of an officer who was not an entitled officer on the operative date, within three months of the date on which he became an entitled officer) become an officer to whom this paragraph applies.

(2) An officer to whom this paragraph applies shall not be entitled to compensation under this Schedule or be granted a pension, gratuity or disturbance grant under this Schedule but, subject to the provisions of paragraph 17 of this Schedule may, on his retirement under this Schedule, be granted such benefits as may be granted under the appropriate law to an officer whose office has been abolished.

(3) An officer to whom this paragraph applies shall repay the amount of any compensation that may have been paid to him.

Application  
of  
appropriate  
law.

**17.** The provisions of the appropriate law shall, subject to the provisions of this Schedule, apply in relation to the grant of any pension or gratuity under this Schedule and to any pension or gratuity granted thereunder as they apply in relation to the grant of a pension or gratuity, and to any pension or gratuity granted, under the appropriate law:

Provided that section 11 of the European Officers' Pensions Ordinance of Zambia or any law amending or replacing that section shall not apply in relation to any pension granted under the provisions of this Schedule.

Exemption  
from tax.

**18.** Any compensation, gratuity or disturbance grant payable under any of the provisions of this Schedule shall be exempt from tax under any law in force in Zambia relating to the taxation of incomes or imposing any other form of taxation

Exercise of  
options.

**19.** Any option exercisable by any person for the purposes of this Schedule—

- (a) shall be irrevocable after the end of the period within which it is to be exercised ;
- (b) shall be exercised by notice in writing to the appropriate Service Commission ,
- (c) shall be deemed to have been exercised on the date on which the notice is received :

Provided that the appropriate Service Commission may, if it thinks fit, generally or in respect of a particular person and subject or not to conditions, extend the period for the exercise of an option.

## ANNEX

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM  
TABLE I*For Officers aged 28 years or more*

I. Read off from the table the factor for the officer's age at his last birthday and his completed years of service.

II. Read off from the table the factor for ten years' service and the officer's age in years and completed months by interpolation arithmetically.

III. Divide II by 120 and multiply the result by the number of completed months of service not exceeding 120, adjusting the answer to the nearest second demical place (when the third decimal place is 5 exactly, take the next highest second place).

IV. The greater of I and III is the factor required.

*For Officers under the age of 28 years*

I. Read off from the table the factor for the officer's age at his last birthday and his completed years of service.

II. Read off from the table the highest factor given against the officer's age in completed years and interpolate arithmetically for the factor corresponding to his age in years and completed months.

III. Divide II by the figure corresponding to the number of months contained in the years of service against which the factor in II was read off and multiply the result by the number of completed months of service, adjusting the answer to the nearest second decimal place (when the third decimal place is 5 exactly, take the next highest second place).

IV. The greater of I and III is the factor required.

INSTRUCTIONS FOR OBTAINING THE APPROPRIATE FACTOR FROM  
TABLE II, III OR IV

I. Read off from the Table the factors for the officer's age—

(a) at his last birthday ;

(b) at his next birthday.

II. Divide the difference between I(a) and I(b) by twelve and multiply by the number of completed months of age since the last birthday.

III. If I(b) is greater than I(a), add II to I(a).

If I(b) is less than I(a), subtract II from I(a).

III is the factor required.

In calculating factors by interpolation in respect of Tables II to IV the calculations should be taken to three places of decimals.

TABLE I  
THE SCHEDULE, PARAGRAPHS 2, 8(2) AND 10

Age of Officer	FACTOR WHEN LENGTH OF SERVICE IS							
	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years or more
21	.16							
22	.19	.25						
23	.22	.29	.36					
24	.25	.33	.41	.49				
25	.28	.37	.46	.55	.64			
26	.31	.41	.52	.62	.72	.82		
27	.34	.46	.58	.69	.80	.92	1.04	
28	.39	.52	.64	.77	.90	1.03	1.16	1.29
29	.44	.58	.73	.88	1.02	1.17	1.31	1.46
30	.50	.67	.84	1.00	1.17	1.34	1.50	1.67
31	.58	.77	.96	1.16	1.35	1.54	1.74	1.93
32	.68	.90	1.12	1.35	1.58	1.80	2.02	2.25
33	.78	1.04	1.30	1.57	1.83	2.09	2.35	2.61
34	.89	1.19	1.49	1.79	2.09	2.38	2.68	2.98
35	1.00	1.34	1.67	2.00	2.34	2.67	3.01	3.34
36	1.10	1.47	1.84	2.20	2.57	2.94	3.30	3.67
37	1.18	1.58	1.97	2.36	2.76	3.15	3.55	3.94
38	1.24	1.65	2.06	2.48	2.89	3.30	3.72	4.13
39	1.28	1.70	2.12	2.55	2.98	3.40	3.82	4.25
40	1.29	1.72	2.16	2.59	3.02	3.45	3.88	4.31
41	1.30	1.73	2.16	2.59	3.02	3.46	3.89	4.32
42	1.28	1.70	2.13	2.56	2.98	3.41	3.83	4.26
43	1.24	1.65	2.06	2.47	2.88	3.30	3.71	4.12
44	1.17	1.56	1.95	2.34	2.73	3.12	3.51	3.90
45	1.09	1.45	1.82	2.18	2.54	2.90	3.27	3.63
46	1.00	1.34	1.67	2.00	2.34	2.67	3.01	3.34
47	.91	1.22	1.52	1.82	2.13	2.43	2.74	3.04
48	.82	1.10	1.37	1.64	1.92	2.19	2.47	2.74
49	.73	.98	1.22	1.46	1.71	1.95	2.20	2.44
50	.64	.85	1.06	1.28	1.49	1.70	1.92	2.13
51	.54	.72	.90	1.08	1.26	1.44	1.62	1.80
52	.43	.57	.72	.86	1.00	1.14	1.29	1.43
53	.30	.40	.50	.60	.70	.80	.90	1.00
54	.15	.20	.25	.30	.35	.40	.45	.50
55 and above	NIL	NIL	NIL	NIL	NIL	NIL	NIL	NIL

**TABLE II**  
**THE SCHEDULE, PARAGRAPHS 2 AND 10**

AGE OF OFFICER	FACTOR	AGE OF OFFICER	FACTOR
40	3·94	55	2·48
41	4·12	56	2·26
42	4·24	57	2·03
43	4·31	58	1·76
44	4·32	59	1·42
45	4·28	60	1·00
46	4·19	61	·50
47	4·07	62	NIL
48	3·92	and above	
49	3·75		
50	3·57		
51	3·37		
52	3·15		
53	2·93		
54	2·70		

NOTE.—These factors apply where the judge has at least ten years service.

**TABLE III**  
**THE SCHEDULE, PARAGRAPH 7**

AGE	FACTOR
30 and below	5·00
31 ...	5·08
32 ...	5·21
33 ...	5·47
34 ...	5·90
35 ...	6·56
36 ...	7·44
37 ...	8·10
38 ...	8·53
39 ...	8·79
40 ...	8·92
41 ...	9·00
42 ...	8·92
43 ...	8·77
44 ...	8·40
45 ...	7·61
46 ...	6·39
47 ...	5·60
48 ...	5·23
49 ...	5·08
50 and above	5·00

**TABLE IV**  
**THE SCHEDULE, PARAGRAPHS 11 AND 12**

AGE OF OFFICER	FACTOR	AGE OF OFFICER	FACTOR
25 or under	17·08	40	15·07
26	16·97	41	14·90
27	16·86	42	14·73
28	16·74	43	14·55
29	16·62	44	14·36
30	16·50	45	14·17
31	16·38	46	13·97
32	16·25	47	13·76
33	16·12	48	13·54
34	15·98	49	13·32
35	15·84	50	13·08
36	15·70	51	12·84
37	15·55	52	12·59
38	15·40	53 and above	12·50
39	15·24		

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes provision for compensation and retiring benefits for certain officers in the public service of Zambia.

1964 No. 1654

## AFRICA

## The Zambia (Gwembe District) Order 1964

Made - - - - 15th October 1964

Coming into Operation Immediately before  
24th October 1964

\* To be laid before Parliament

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act 1890(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Zambia (Gwembe District) Order 1964.

Citation,  
commence-  
ment and  
construction.

(2) This Order shall come into operation immediately before 24th October 1964.

(3) This Order shall be construed as one with the Northern Rhodesia (Gwembe District) Order in Council 1959(b).

2. The Northern Rhodesia (Gwembe District) Order in Council 1959, as amended(c), is further amended in the respects specified in the Schedule to this Order.

Amendment  
of order of  
1959.

3. Nothing in this Order or the Zambia Independence Order 1964(d) shall affect any estate right or interest in or over land which the Governor, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Gwembe District) Order in Council 1959 has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged, and, accordingly, those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order 1964.

Saving of  
existing  
rights.

W. G. Agnew.

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\* This Instrument was laid before Parliament on 27th October 1964.

(a) 53 & 54 Vict. c. 37.

(b) S.I. 1959/296 (1959 II, p. 2316).

(c) The relevant amending Order is S.I. 1964/268 (1964 I, p. 469).

(d) S.I. 1964/1652 (1964 III, p. 3643).

## Section 2

## THE SCHEDULE

AMENDMENTS TO THE NORTHERN RHODESIA (GWEMBE DISTRICT) ORDER  
IN COUNCIL 1959

1. There shall be substituted in sections 1 to 13 (inclusive)—
  - (a) for the word "Governor" wherever it occurs the word "President";
  - (b) for the word "Board" wherever it occurs the word "Corporation";
  - (c) for the words "Northern Rhodesia" wherever they occur the word "Zambia";
  - (d) for the words "the Territory" wherever they occur the word "Zambia".
  
2. In section 2 the words "by the Governor under sub-paragraph (b) of paragraph 1 of Article 13 of the Northern Rhodesia Order in Council 1924" shall be deleted and the words "under any law or, subject thereto, by the President" shall be substituted.
  
3. In section 3—
  - (a) for the definition of "the Board" there shall be substituted the following definition:—
 

"the Corporation" means the Central African Power Corporation or any other body corporate established by any law of Zambia for the purpose of supplying electricity from the hydro-electric generating station situated on the Zambezi River at Kariba Gorge;
  - (b) the definition of "the Federation" shall be deleted;
  - (c) for the definition of "the Gazette" there shall be substituted the following definition:—
 

"the Gazette" means the official Gazette of the Government of Zambia;
  - (d) for the definition of the expression "the Governor" there shall be substituted—
 

"the President" includes any person for the time being lawfully performing the functions of that office;
  - (e) the definition of the expression "the Northern Rhodesia Order in Council 1924" shall be deleted;
  - (f) the definition of the expression "the Territory" shall be deleted.
  
4. In section 6 the words "Subject to the general or special directions of the Secretary of State" shall be deleted.
  
5. Section 7(4) shall be revoked.
  
6. In section 8—
  - (a) in subsection (1) the words "with the approval of the Secretary of State and" shall be deleted;
  - (b) in subsection (2) the words "with the approval of the Secretary of State" shall be deleted.
  
7. In section 9, there shall be substituted for the words "Legislative Council" the words "National Assembly".
  
8. In section 10(2) the words "or the Government of the Federation or under any agreement or arrangement made with the Board or that Government" shall be deleted.
  
9. Section 12A shall be revoked.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes provision having effect from 24th October 1964 (which is the day upon which Northern Rhodesia will become an independent Republic under the name of Zambia) for making such amendments to the Northern Rhodesia (Gwembe District) Orders in Council 1959 as are necessary to bring those Orders into accord with the constitutional arrangements which will come into operation on that day.



## 1964 No. 1655

## AFRICA

## The Zambia (State Lands and Reserves) Order 1964

Made - - - - 15th October 1964

Coming into Operation Immediately before  
24th October 1964

\* To be laid before Parliament

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act 1890(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,  
commence-  
ment and  
construction.

1.—(1) This Order may be cited as the Zambia (State Lands and Reserves) Order 1964.

(2) This Order shall come into operation immediately before 24th October 1964.

(3) This Order shall be construed as one with the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963(b).

Amendment  
of Order of  
1928.

2. The Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928(c), as amended, is further amended in the respects specified in the Schedule to this Order.

Vesting of  
rights in  
Crown  
lands, etc.  
in President.

3. All rights in or in relation to Crown lands or other immovable property in Northern Rhodesia that are vested in Her Majesty immediately before the commencement of this Order shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia.

Vesting of  
native  
reserves in  
President.

4. All native reserves that, immediately before the commencement of this Order, are vested in the Secretary of State shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia.

Saving of  
existing  
rights.

5. Nothing in this Order or the Zambia Independence Order 1964(d) shall affect any estate, right or interest in or over any land or other immovable property which—

\* This Instrument was laid before Parliament on 27th October 1964.

(a) 53 & 54 Vict. c. 37.

(b) S.R. & O. 1928/246, 1936/1380 (Rev. VIII, p. 173: 1928, p. 601; 1936 I, p. 936); 1929/103, 651, 1931/167, 849, 1933/227, 488, 1937/760, 1943/76, 1947/194 (Rev. VIII, p. 182: 1929, pp. 457, 467; 1931, pp. 453, 458; 1933, pp. 824, 828; 1937, p. 809; 1943 I, p. 295; 1947 I, p. 778); 1929/1002, 1938/181 (Rev. VIII, p. 193: 1929, p. 468; 1938 I, p. 1309); 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1950/1966, 1951/1168, 1955/1953, 1956/1892, 1960/2209, 1961/1503, 1962/403, 633, 1335, 1873, 1963/1045, 1923, 2090 (1950 II, p. 95; 1951 II, p. 96; 1955 II, p. 2211; 1956 II, p. 1990; 1960 III, p. 2906; 1961 II, p. 3057; 1962 I, pp. 370, 642; II, p. 1442, 2193; 1963 II, p. 1786; III, pp. 3775, 4604).

(c) S.R. & O. 1928/246 (Rev. VIII, p. 173: 1928, p. 601).

(d) S.I. 1964/1652 (1964 III, p. 3643).

- (a) the Governor or any other officer or authority of the Government of Northern Rhodesia, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928 or any Order amending that Order, has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged; or
- (b) is recognised or otherwise acknowledged by any provision of the Northern Rhodesia (Crown Lands and Native Reserves) Order in Council 1928 or any Order amending that Order as an estate, right or interest of any person other than Her Majesty or the Secretary of State,

and accordingly those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order 1964.

*W. G. Agnew.*

### THE SCHEDULE

#### AMENDMENTS TO THE NORTHERN RHODESIA (CROWN LANDS AND NATIVE RESERVES) ORDER IN COUNCIL 1928

1. Subject to the provisions of this Schedule there shall be substituted in articles 1 to 10 (inclusive)—

- (a) for the expression "Crown Lands" wherever it occurs the expression "State Lands";
- (b) for the expression "Native Reserves" wherever it occurs the expression "Reserves";
- (c) for the expression "Native Trust Land" wherever it occurs the expression "Trust Land";
- (d) for the words "Northern Rhodesia" wherever they occur (except in paragraph (5) of the definition of Crown Lands in article 2 and in article 3(3)) the word "Zambia".

2. In article 1 the words "and shall be read and construed as one with the Northern Rhodesia Order in Council 1924" shall be deleted.

3. In article 2—

- (a) for the definition of the expression "Native Reserves" there shall be substituted—

"the Reserves" means the lands set apart by article 6 of this Order, as from time to time amended, for the sole and exclusive use of the natives of Zambia;';

- (b) the definition of the expression "the Secretary of State" shall be deleted.

4. For article 4 there shall be substituted—

"4. All rights in or in relation to State Lands shall vest in the President."

5. For article 5 there shall be substituted—

"5. Subject to the provisions of any law in force in Zambia the President may make grants and dispositions of State Lands and of any other immovable property that may for the time being be vested in the President."

6. In article 6—

- (a) there shall be substituted for the words "Secretary of State" in paragraph (1) the word "President";
- (b) there shall be substituted for the words "Governor with the approval of the Secretary of State" in paragraph 2(a) the word "President";
- (c) there shall be substituted for the words "Governor may with the approval of the Secretary of State" in paragraph (3) the words "President may";
- (d) paragraph (4) shall be deleted.

7. In article 6A—

- (a) there shall be substituted for the word "Governor" wherever it occurs the word "President";
- (b) the proviso to paragraph (2) shall be deleted;
- (c) there shall be substituted for paragraph (3)—

“(3) The powers of the President under paragraph (1) of this article shall be exercised in accordance with any regulations made under article 7 of this Order or any law applying in relation to Reserves.”.

8. In article 7—

- (a) there shall be substituted for the word "Governor" the word "President";
- (b) the words "subject to the approval of the Secretary of State" shall be deleted.

9. In article 8(2) there shall be substituted for the word "Governor" wherever it occurs the word "President".

10. In article 10 there shall be substituted for the word "Governor" wherever it occurs the word "President".

11. For article 10A there shall be substituted the following—

“10A. The President may, by order, authorise any person or authority to exercise for and on behalf of the President, subject to such exceptions and conditions as he may specify, any of the functions of the President under this Order.”.

12. Articles 10B and 11 shall be revoked.

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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes provision having effect from 24th October (which is the day upon which Northern Rhodesia will become an independent Republic under the name of Zambia) for vesting Crown lands and immovable property and native reserves in the territory in the President of Zambia and for such other amendments to the Northern Rhodesia (Crown Lands and Native Reserves) Orders in Council 1928 to 1963 as are necessary to bring those Orders into accord with the constitutional arrangements which will come into operation on that day. The Order also provides for the continuation of existing estates, rights or interests derived from those Orders in Council.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1656

## AFRICA

## The Zambia (Trust Land) Order 1964

*Made* - - - - - 15th October 1964  
*Coming into Operation* Immediately before  
 24th October 1964

\* To be laid before Parliament

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her in that behalf by the Foreign Jurisdiction Act 1890(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

- 1.—(1) This Order may be cited as the Zambia (Trust Land) Order 1964. Citation, commencement and construction.
- (2) This Order shall come into operation immediately before 24th October 1964.
- (3) This Order shall be construed as one with the Northern Rhodesia (Native Trust Land) Orders in Council 1947 to 1963(b).
2. The Northern Rhodesia (Native Trust Land) Order in Council 1947(c), as amended, is further amended in the respects specified in the Schedule to this Order. Amendment of Order of 1947.
3. All Native Trust Land that immediately before the commencement of this Order is vested in the Secretary of State shall, on the commencement of this Order, be transferred to and vest in the President of the Republic of Zambia. Vesting of native trust lands in President.
4. Nothing in this Order or the Zambia Independence Order 1964(d) shall affect any estate right or interest in or over any land which the Governor or any other officer or authority of the Government of Northern Rhodesia, acting in exercise of any power in that behalf conferred by or under the Northern Rhodesia (Native Trust Land) Order in Council 1947 or any Order amending that Order has at any time before the commencement of this Order created, granted, recognised or otherwise acknowledged, and, accordingly, those estates, rights and interests shall continue to have the same validity as they had before the commencement of this Order and the Zambia Independence Order 1964. Saving of existing rights.

W. G. Agnew.

\* This Instrument was laid before Parliament on 27th October 1964.

(a) 53 &amp; 54 Vict. c. 37.

(b) S.R. &amp; O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779); S.I. 1954/1142, 1374, 1959/2204, 1961/335, 995, 1962/404, 634, 1336, 1872, 1963/1050, 1328, 1924, 2091 (1954 II, pp. 1937, 1938; 1959 II, p. 2340; 1961 I, p. 529; II, p. 1920; 1962 I, pp. 372, 644; II, pp. 1444, 2191; 1963 II, pp. 1809, 2309; III, pp. 3777, 4606).

(c) S.R. &amp; O. 1947/2214 (Rev. VIII, p. 201: 1947 I, p. 779).

(d) S.I. 1964/1652 (1964 III, p. 3643).

## THE SCHEDULE

### AMENDMENTS TO THE NORTHERN RHODESIA (NATIVE TRUST LAND) ORDER IN COUNCIL 1924

1. There shall be substituted in sections 1 to 10 (inclusive)—
  - (a) for the expression "Native Trust Land" wherever it occurs the expression "Trust Land";
  - (b) for the words "Northern Rhodesia" wherever they occur the word "Zambia";
  - (c) for the word "Governor" wherever it occurs the word "President";
  - (d) for the expression "Crown Lands" wherever it occurs the expression "State Lands".
2. In section 1 the words "and shall be read and construed as one with the Northern Rhodesia Order in Council, 1924, as from time to time amended" shall be deleted.
3. In section 2—
  - (a) for the definition of "Native Trust Land" there shall be substituted the following definition:—
 

"Trust Land" means the land set apart by section 3 of this Order, as from time to time amended, for the sole use and benefit, direct or indirect, of the natives of Zambia;
  - (b) the definition of the expression "the Secretary of State" shall be deleted.
4. In section 3—
  - (a) there shall be substituted for the word "Crown" in subsection (2) the word "President";
  - (b) in subsection (3) the words "with the approval of the Secretary of State" shall be deleted, and there shall be substituted for the words "on such approval being given" the words "provided further that".
5. For section 4(1) there shall be substituted the following:—
 

"(1) All Trust land is hereby vested in the President and shall, subject to the provisions of this Order, be administered and controlled by the President for the use or common benefit, direct or indirect, of the natives of Zambia."
6. In section 5(1) the words "subject to the general or special directions of the Secretary of State" shall be deleted.
7. In section 7(3) there shall be substituted for the expression "Governor in Council" the word "President".
8. In section 10 the words "with the approval of the Secretary of State" shall be deleted.
9. There shall be substituted for section 10A the following:—
 

"10A. The President may, by order, authorise any person or authority to exercise for and on behalf of the President, subject to such exceptions and conditions as he may specify, any of the functions of the President under this Order."
10. Sections 10B and 10C shall be revoked.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes provision having effect from 24th October 1964 (which is the day upon which Northern Rhodesia will become an independent Republic under the name of Zambia) for vesting Native Trust Land in the territory in the President of Zambia and for making such other amendments to the Northern Rhodesia (Native Trust Land) Orders in Council 1947 to 1963 as are necessary to bring those Orders into accord with the constitutional arrangements which will come into operation on that day. The Order also provides for the continuation of existing estates, rights or interests derived from those Orders in Council.

1964 No. 1657

## FUGITIVE CRIMINAL

**The Fugitive Offenders (Northern Rhodesia Grouping)  
Order 1964***Made - - - - - 15th October 1964**Coming into Operation 16th October 1964**\* To be laid before Parliament*

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers conferred on Her Majesty by sections 12 and 31 of the Fugitive Offenders Act 1881(a) and of all other powers enabling Her Majesty in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation,  
commence-  
ment and  
interpreta-  
tion.

1.—(1) This Order may be cited as the Fugitive Offenders (Northern Rhodesia Grouping) Order 1964 and shall come into operation on 16th October 1964.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to an Act of Parliament.

Amendment  
of section 2  
of Order of  
1961.

2. Section 2 of the Fugitive Offenders (Grouping of Territories) Order in Council 1961(c) is amended by the deletion therefrom of the reference to Northern Rhodesia.

Grouping of  
territories.

3. Part II of the Fugitive Offenders Act 1881 shall apply to the following group of territories:—

Basutland ;  
Bechuanaland Protectorate ;  
Northern Rhodesia ;  
Malawi ;  
Swaziland ;  
Tanganyika and Zanzibar.

*W. G. Agnew.*

\* This Instrument was laid before Parliament on 27th October 1964.

(a) 44 & 45 Vict. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1961/2272 (1961 III, p. 3980).  
738 ; III, pp. 3844, 4477).

See also S.I. 1963/613, 1967, 2085 (1963 I, p.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order removes Northern Rhodesia from the group specified in section 2 of the Fugitive Offenders (Grouping of Territories) Order in Council 1961 and instead groups Northern Rhodesia together with Basutoland, the Bechuanaland Protectorate, Malawi, Swaziland and Tanganyika and Zanzibar.



**1964 No. 1658**

**MERCHANT SHIPPING**

**The Shipowners' Liability (Colonial Territories)  
(Amendment) Order 1964**

*Made* - - - - - 15th October 1964

*\*To be laid before Parliament*

*Coming into Operation* 28th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 11 of the Merchant Shipping (Liability of Shipowners and Others) Act 1958(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,  
construction  
and  
commence-  
ment.

1.—(1) This Order may be cited as the Shipowners' Liability (Colonial Territories) (Amendment) Order 1964 and shall be construed as one with the Shipowners' Liability (Colonial Territories) Order in Council 1963(b) (hereinafter referred to as "the principal Order"), and the principal Order and this Order may be cited together as the Shipowners' Liability (Colonial Territories) Orders 1963 and 1964.

(2) This Order shall come into operation on 28th October 1964.

Amendment  
of s. 2 of the  
principal  
Order.

2. In section 2 of the principal Order the word "Liability" is substituted for the word "Liabilities".

Amendment  
of Schedule 1  
to the  
principal  
Order.

3. Schedule 1 to the principal Order is amended by the insertion immediately after—

(a) the word "Bahamas" of the word "Barbados";

(b) the words "British Solomon Islands Protectorate" of the words "Cayman Islands" and "Dominica";

(c) the word "Fiji" of the words "the Gambia (Colony and Protectorate)";

(d) the words "Gilbert and Ellice Islands Colony" of the word "Grenada";

(e) the word "Mauritius" of the word "Montserrat"; and

(f) the word "Seychelles" of the words "Saint Lucia", "Saint Vincent" and "Turks and Caicos Islands".

Amendment  
of Schedule 2  
to the  
principal  
Order.

4. Paragraph 3 of Schedule 2 to the principal Order is amended by the insertion immediately before the words "the Virgin Islands" of the words "the Cayman Islands, Dominica, Grenada, Montserrat, Saint Lucia, Saint Vincent, the Turks and Caicos Islands or".

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\* This Instrument was laid before Parliament on 27th October 1964.

(a) 6 & 7 Eliz. 2. c. 62.

(b) S.I. 1963/1632 (1963 III. p. 3082).

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5. Schedule 3 to the principal Order is amended by the insertion immediately after the words "British Solomon Islands Protectorate" of the words "The Gambia Protectorate".

Amendment  
of Schedule 3  
to the  
principal  
Order.

*W. G. Agnew.*

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Shipowners' Liability (Colonial Territories) Order in Council 1963 so as to extend to Barbados, the Cayman Islands, Dominica, the Gambia, Grenada, Montserrat, Saint Lucia, Saint Vincent and the Turks and Caicos Islands the provisions of the Merchant Shipping (Liability of Shipowners and Others) Act 1958.

1964 No. 1659

## OVERSEAS TERRITORIES

## The Admiralty Jurisdiction (Antigua) Order 1964

*Made* - - - - 15th October 1964*Coming into Operation* 16th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement. 1.—(1) This Order may be cited as the Admiralty Jurisdiction (Antigua) Order 1964.

(2) This Order shall come into operation on 16th October 1964.

Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands. 2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptation and modification of the said section 1 that is specified in the First Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 to Antigua. 3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Antigua with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

W. G. Agnew.

(a) 4 &amp; 5 Eliz. 2. c. 46.

(b) 53 &amp; 54 Vict. c. 27.

## FIRST SCHEDULE

ADAPTATION AND MODIFICATION OF SECTION 1 OF THE  
ADMINISTRATION OF JUSTICE ACT 1956

Article 2.

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted.

## SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO SAINT CHRISTOPHER, NEVIS AND ANGUILLA AND ADAPTA-  
TIONS AND MODIFICATIONS THERETO

Article 3.

*Column I**Column II*

Section 3	... ..	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the words "Saint Christopher, Nevis and Anguilla" shall be substituted.</p>
Section 4	... ..	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in Saint Christopher, Nevis and Anguilla shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p>(a) the defendant has his habitual residence or a place of business in Saint Christopher, Nevis and Anguilla; or</p> <p>(b) the cause of action arose within the territorial waters of Saint Christopher, Nevis and Anguilla; or</p>

(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection "territorial waters of Antigua" include any port, dock or harbour in Antigua."

In subsection (2) the words "in England and Wales" shall be deleted and the words "in Antigua" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Antigua" shall be substituted;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;

Subsection (6) shall be omitted.

Section 6 ... .. The words "England and Wales" shall be deleted and the word "Antigua" shall be substituted.

Section 7 ... .. Subsection (1) shall be deleted and the following subsection shall be substituted:—

"Section six hundred and eighty-eight of the Merchant Shipping Act 1894(a) (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section twenty-three of the Receivers of Wreck Act of the Leeward Islands(b) (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Antigua.

(a) 57 & 58 Vict. c. 60.

(b) Federal Acts of the Leeward Islands, Rev. 1927, Cap. 155.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1660

**OVERSEAS TERRITORIES****The Admiralty Jurisdiction (Dominica) Order 1964**

*Made* - - - - - 15th October 1964  
*Coming into Operation* 16th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Dominica) Order 1964. Citation and commencement.

(2) This Order shall come into operation on 16th October 1964.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptation and modification of the said section 1 that is specified in the First Schedule to this Order. Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Dominica with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order. Application of provisions of Administration of Justice Act 1956 to Dominica.

*W. G. Agnew.*

**FIRST SCHEDULE**

Article 2.

**ADAPTATION AND MODIFICATION OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956**

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted.

(a) 4 &amp; 5 Eliz. 2. c. 46.

(b) 53 &amp; 54 Vict. c. 27.

## Article 3.

## SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO DOMINICA AND ADAPTATIONS AND MODIFICATIONS THERETO

	Column I	Column II
Section 3	... ..	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the word "Dominica" shall be substituted.</p>
Section 4	... ..	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in Dominica shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p>(a) the defendant has his habitual residence or a place of business in Dominica ; or</p> <p>(b) the cause of action arose within the territorial waters of Dominica ; or</p> <p>(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.</p> <p>In this subsection "territorial waters of Dominica" include any port, dock or harbour in Dominica."</p>

In subsection (2) the words "in England and Wales" shall be deleted and the words "in Dominica" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Dominica" shall be substituted ;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;

Subsection (6) shall be omitted.

Section 6 ... .. The words "England and Wales" shall be deleted and the word "Dominica" shall be substituted.

Section 7 ... .. Subsection (1) shall be deleted and the following subsection shall be substituted:—

"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894(a) (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of this Act affects the provisions of section twenty-three of the Receivers of Wreck Act of the Leeward Islands(b) (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

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## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Dominica.

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(a) 57 & 58 Vict. c. 60.

(b) Federal Acts of the Leeward Islands, Rev. 1927, Cap. 155.



1964 No. 1661

## OVERSEAS TERRITORIES

## The Admiralty Jurisdiction (Grenada) Order 1964

Made - - - - 15th October 1964

Coming into Operation 16th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956<sup>(a)</sup> and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Grenada) Order 1964.

(2) This Order shall come into operation on 16th October 1964.

Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands.

2. The Colonial Courts of Admiralty Act 1890<sup>(b)</sup> shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptations and modifications of the said section 1 that are specified in the First Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 to Grenada.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Grenada with the adaptations and modifications that are expected in Column II of the Second Schedule to this Order.

*W. G. Agnew.*

Article 2.

## FIRST SCHEDULE

 ADAPTATIONS AND MODIFICATIONS OF SECTION 1 OF THE  
 ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted;

In subsection (3) the words and figures "under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act 1894<sup>(c)</sup>" shall be deleted and the words "under section thirty-six of the Wrecks Ordinance of Grenada<sup>(d)</sup>" shall be substituted;

(a) 4 & 5 Eliz. 2. c. 46.

(b) 53 & 54 Vict. c. 27.

(c) 57 & 58 Vict. c. 60.

(d) Laws of Grenada, Rev. 1958, Cap. 318.

In subsection (4) after the words and figures "Merchant Shipping Acts 1894 to 1954" there shall be inserted the words "or of the Wrecks Ordinance of Grenada".

## SECOND SCHEDULE

Article 3.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO GRENADA AND ADAPTATIONS AND MODIFICATIONS THERETO

<i>Column I</i>	<i>Column II</i>
Section 3    ...    ...    ...	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the word "Grenada" shall be substituted.</p>
Section 4    ...    ...    ...	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in Grenada shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p>(a) the defendant has his habitual residence or a place of business in Grenada; or</p> <p>(b) the cause of action arose within the territorial waters of Grenada; or</p> <p>(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.</p> <p>In this subsection "territorial waters of Grenada" include any port, dock or harbour in Grenada."</p>

In subsection (2) the words "in England and Wales" shall be deleted and the words "in Grenada" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Grenada" shall be substituted;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted;

Subsection (6) shall be omitted.

Section 6     ...     ...     ...

The words "England and Wales" shall be deleted and the word "Grenada" shall be substituted.

Section 7     ...     ...     ...

Subsection (1) shall be deleted and the following subsection shall be substituted:—

"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894 (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section forty-six of the Wrecks Ordinance of Grenada (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Grenada.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1662

## OVERSEAS TERRITORIES

## The Admiralty Jurisdiction (Montserrat) Order 1964

*Made* - - - - - 15th October 1964  
*Coming into Operation* 16th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Montserrat) Order 1964.

Citation and commencement.

(2) This Order shall come into operation on 16th October 1964.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptation and modification of the said section 1 that is specified in the First Schedule to this Order.

Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Montserrat with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 to Montserrat.

W. G. Agnew.

## FIRST SCHEDULE

Article 2.

## ADAPTATION AND MODIFICATION OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted.

(a) 4 &amp; 5 Eliz. 2. c. 46.

(b) 53 &amp; 54 Vict. c. 27.

Article 3.

## SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO MONTSERAT AND ADAPTATIONS AND MODIFICATIONS  
THERE TO

	Column I	Column II
Section 3	... ..	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the word "Montserrat" shall be substituted.</p>
Section 4	... ..	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in Montserrat shall entertain an action in personem to enforce a claim to which this section applies unless—</p> <p>(a) the defendant has his habitual residence or a place of business in Montserrat ; or</p> <p>(b) the cause of action arose within the territorial waters of Montserrat ; or</p> <p>(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.</p> <p>In this subsection "territorial waters of Montserrat" include any port, dock or harbour in Montserrat."</p>

In subsection (2) the words "in England and Wales" shall be deleted and the words "in Montserrat" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Montserrat" shall be substituted ;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;

Subsection (6) shall be omitted.

Section 6 ... .. The words "England and Wales" shall be deleted and the word "Montserrat" shall be substituted.

Section 7 ... .. Subsection (1) shall be deleted and the following subsection shall be substituted:—

"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894<sup>(a)</sup> (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of this Act affects the provisions of section twenty-three of the Receivers of Wreck Act of the Leeward Islands<sup>(b)</sup> (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Montserrat.

(a) 57 & 58 Vict. c. 60.

(b) Federal Acts of the Leeward Islands, Rev. 1927, Cap. 155.

1964 No. 1663

## OVERSEAS TERRITORIES

**The Admiralty Jurisdiction (Saint Christopher, Nevis  
and Anguilla) Order 1964**

*Made* - - - - 15th October 1964  
*Coming into Operation* 16th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

Citation and commencement.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Saint Christopher, Nevis and Anguilla) Order 1964.

(2) This Order shall come into operation on 16th October 1964.

Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptation and modification of the said section 1 that is specified in the First Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 to Saint Christopher, Nevis and Anguilla.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Saint Christopher, Nevis and Anguilla with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

W. G. Agnew.

## FIRST SCHEDULE

Article 2.

ADAPTATION AND MODIFICATION OF SECTION 1 OF THE  
ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted.

## SECOND SCHEDULE

Article 3.

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO SAINT CHRISTOPHER, NEVIS AND ANGUILLA AND ADAPTA-  
TIONS AND MODIFICATIONS THERETO*Column I**Column II*

Section 3	... ..	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the words "Saint Christopher, Nevis and Anguilla" shall be substituted.</p>
Section 4	... ..	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in Saint Christopher, Nevis and Anguilla shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p>(a) the defendant has his habitual residence or a place of business in Saint Christopher, Nevis and Anguilla ; or</p> <p>(b) the cause of action arose within the territorial waters of Saint Christopher, Nevis and Anguilla ; or</p>



(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court. In this subsection "territorial waters of Saint Christopher, Nevis and Anguilla" include any port, dock or harbour in Saint Christopher, Nevis and Anguilla."

In subsection (2) the words "in England and Wales" shall be deleted and the words "in Saint Christopher, Nevis and Anguilla" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Saint Christopher, Nevis and Anguilla" shall be substituted ;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;

Subsection (6) shall be omitted.

Section 6 ... ..

The words "England and Wales" shall be deleted and the words "Saint Christopher, Nevis and Anguilla" shall be substituted.

Section 7 ... ..

Subsection (1) shall be deleted and the following subsection shall be substituted:—

"Section six hundred and eighty-eight of the Merchant Shipping Act 1894(a) (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section twenty-three of the Receivers of Wreck Act of the Leeward Islands(b) (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Saint Christopher, Nevis and Anguilla.

(a) 57 & 58 Vict. c. 60.

(b) Federal Acts of the Leeward Islands, Rev. 1927, Cap. 155.

1964 No. 1664

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (St. Helena) Order 1964

*Made* - - - - 15th October 1964  
*Coming into Operation* 16th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Admiralty Jurisdiction (St. Helena) Order 1964. Citation and commencement.

(2) This Order shall come into operation on 16th October 1964.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of St. Helena, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptations and modifications of the said section 1 that are specified in the First Schedule to this Order. Admiralty jurisdiction of Supreme Court of St. Helena.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to St. Helena with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order. Application of provisions of Administration of Justice Act 1956 to St. Helena.

W. G. Agnew.

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(a) 4 & 5 Eliz. 2. c. 46.

(b) 53 & 54 Vict. c. 27.

## Article 2.

## FIRST SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF SECTION 1 OF THE  
ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted;

In subsection (3) the words and figures "under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act 1894(a)" shall be deleted and the words "under sections twenty-one and twenty-two of the Wrecks Ordinance of St. Helena(b)" shall be substituted;

In subsection (4) after the words and figures "Merchant Shipping Acts 1894 to 1954" there shall be inserted the words "or of the Wrecks Ordinance of St. Helena".

## Article 3.

## SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO ST. HELENA AND ADAPTATIONS AND MODIFICATIONS THERETO

<i>Column I</i>	<i>Column II</i>
Section 3    ...    ...    ...	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of St. Helena" shall be substituted;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of St. Helena" shall be substituted;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of St. Helena" shall be substituted;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the words "St. Helena" shall be substituted.</p>
Section 4    ...    ...    ...	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p>"(1) No court in St. Helena shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p style="padding-left: 40px;">(a) the defendant has his habitual residence or a place of business in St. Helena; or</p>

(a) 57 & 58 Vict. c. 60.    (b) Laws of St. Helena, Rev. 1950, Cap. 134.

(b) the cause of action arose within the territorial waters of St. Helena ; or

(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection "territorial waters of St. Helena" include any port, dock or harbour in St. Helena."

In subsection (2) the words "in England and Wales" shall be deleted and the words "in St. Helena" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside St. Helena" shall be substituted ;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of St. Helena" shall be substituted ;

Subsection (6) shall be omitted.

Section 6 ... .. The words "England and Wales" shall be deleted and the words "St. Helena" shall be substituted.

Section 7 ... .. Subsection (1) shall be deleted and the following subsection shall be substituted:—

"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894 (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section twenty-eight of the Wrecks Ordinance of St. Helena (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of St. Helena, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to St. Helena.

1964 No. 1665

**OVERSEAS TERRITORIES**

**The Admiralty Jurisdiction (Saint Vincent)  
Order 1964**

*Made - - - - - 15th October 1964*  
*Coming into Operation 16th October 1964*

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Saint Vincent) Order 1964.

(2) This Order shall come into operation on 16th October 1964.

Admiralty jurisdiction of Supreme Court of the Windward Islands and Leeward Islands.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Windward Islands and Leeward Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptations and modifications of the said section 1 that are specified in the first Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 to Saint Vincent.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to Saint Vincent with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

*W. G. Agnew.*

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(a) 4 & 5 Eliz. 2. c. 46.

(b) 53 & 54 Vict. c. 27.

## FIRST SCHEDULE

Article 2.

ADAPTATIONS AND MODIFICATIONS OF SECTION 1 OF THE  
ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted ;

In subsection (3) the words and figures "under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act 1894(a)" shall be deleted and the words "under section thirty-eight of the Wrecks Ordinance of Saint Vincent(b)" shall be substituted ;

In subsection (4) after the words and figures "Merchant Shipping Acts 1894 to 1954" there shall be inserted the words "or of the Wrecks Ordinance of Saint Vincent".

## SECOND SCHEDULE

Article 3

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956  
EXTENDED TO SAINT VINCENT AND ADAPTATIONS AND MODIFICATIONS  
THERE TO*Column I**Column II*

Section 3	... ..	<p>In subsections (1), (3), (5), (6) and (7), the words "the High Court, the Liverpool Court of Passage, and any county court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;</p> <p>In subsection (8) the words "England and Wales" shall be deleted and the words "Saint Vincent" shall be substituted.</p>
Section 4	... ..	<p>Subsection (1) shall be deleted and the following subsection shall be substituted:—</p> <p style="padding-left: 2em;">" (1) No court in Saint Vincent shall entertain an action in personam to enforce a claim to which this section applies unless—</p> <p style="padding-left: 4em;">(a) the defendant has his habitual residence or a place of business in Saint Vincent ; or</p>

(a) 57 &amp; 58 Vict. c. 60.

(b) Laws of Saint Vincent, Rev. 1926, Cap. 204.

(b) the cause of action arose within the territorial waters of Saint Vincent ; or

(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this subsection "territorial waters of Saint Vincent" include any port, dock or harbour in Saint Vincent."

In subsection (2) the words "in England and Wales" shall be deleted and the words "in Saint Vincent" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside Saint Vincent" shall be substituted ;

In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Windward Islands and Leeward Islands" shall be substituted ;

Subsection (6) shall be omitted.

Section 6 ... .. The words "England and Wales" shall be deleted and the words "Saint Vincent" shall be substituted.

Section 7 ... .. Subsection (1) shall be deleted and the following subsection shall be substituted:—

"(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894 (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section forty-eight of the Wrecks Ordinance of Saint Vincent (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).";

Subsection (2) shall be omitted.

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides that the Supreme Court of the Windward Islands and Leeward Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to Saint Vincent.

1964 No. 1666

## POLICE

## ENGLAND AND WALES

**The Special Constables (Pensions) (Amendment) (No. 2)  
Order 1964**

Made - - - - 15th October 1964

*\*To be laid before Parliament*

Coming into Operation 2nd November 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 1(1) (for the purposes specified in paragraph (c) thereof) and by section 1(2) of the Special Constables Act 1914(a), as amended by section 1 of the Special Constables Act 1923(b) and modified by section 1(2) of the Police Pensions Act 1961(c), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. After Regulation 2 of the Order of 1962 (which relates to widows' special pensions) there shall be inserted the following Regulation :—

*"Widow's augmented award where husband's death results from an attack or injury received in effecting an arrest*

2A.—(1) This Regulation shall apply to a widow of a special constable whose death is the result of an injury received without his own default in the execution of his duty where—

- (a) he was attacked by a person or persons in a manner which, in the opinion of the police authority, was intrinsically likely to cause death and death ensued, on or after 11th April 1949, as a result of the attack, or
- (b) the injury was received in the course of duties performed, in the opinion of the police authority, for the immediate purpose of effecting an arrest or of preventing an escape or rescue from legal custody and death ensued on or after 1st August 1964.

(2) For the purpose of calculating a widow's special pension payable to a widow to whom this Regulation applies in respect of any period after 1st November 1964, Regulation 12 of the principal Regulations (as applied by Regulation 2 of this Order) shall have effect subject to the provisions of Regulation 12A(1) and (2) of the principal Regulations.

(3) Subject to the provisions of this Order, a widow to whom this Regulation applies whose husband died on or after 1st August 1964 shall be entitled to a gratuity in addition to a special pension and Regulations 12A(1), (3) and (4), 18(2), 19(1) and (3) and 20 of the principal

\* This Instrument was laid before Parliament on 27th October 1964.

(a) 4 & 5 Geo. 5. c. 61. (b) 13 & 14 Geo. 5. c. 11. (c) 9 & 10 Eliz. 2. c. 35.



Regulations shall apply as if her husband had been an auxiliary policeman at the time that he received the injury.”.

2. After Regulation 4 of the Order of 1962 (which relates to children's special allowances) there shall be inserted the following Regulation :—

“ *Child's gratuity where parent's death results from an attack or injury received in effecting an arrest*

4A.—(1) This Regulation shall apply to a child of a special constable who died on or after 1st August 1964 in the circumstances mentioned in paragraph (1) of Regulation 2A of this Order and—

(a) in the case of a man, does not leave a widow entitled to a gratuity under paragraph (3) of the said Regulation 2A, or

(b) in the case of a woman, was the child's only surviving parent :

Provided that this Regulation shall apply to a child who at the date of the parent's death has attained the age of 16 years only if at that date the child has not attained the age of 19 years and either is undergoing full-time education or is an apprentice.

(2) Subject to the provisions of this Order, a child to whom this Regulation applies shall be entitled to a gratuity in addition to a special allowance and Regulations 22A and 26 of the principal Regulations shall apply as if the parent had been an auxiliary policeman at the time that he received the injury.”.

3.—(1) In the application of the Police Pensions Regulations 1962(a), as amended(b) to an award to a widow or child of a special constable under the Order of 1962, those Regulations shall apply as further amended by the Police Pensions (Amendment) (No. 2) Regulations 1964(c) and the Police Pensions (Amendment) (No. 3) Regulations 1964(d) (which amendments relate to awards to widows and children).

(2) In accordance with paragraph (1) of this Regulation, for Regulation 13(1) of the Order of 1962 (which relates to interpretation), as set out in Regulation 1(2) of the Special Constables (Pensions) (Amendment) Order 1964(e), there shall be substituted the following provision :—

“ (1) In this Order the expression ‘ the principal Regulations ’ means the Police Pensions Regulations 1962 as amended by the Police Pensions (Amendment) Regulations 1963(f), the Police Pensions (Amendment) (No. 2) Regulations 1963(g) the Police Pensions (Amendment) Regulations 1964(h), the Police Pensions (Amendment) (No. 2) Regulations 1964 and the Police Pensions (Amendment) (No. 3) Regulations 1964.”.

4. In this Order any reference to the Order of 1962 is a reference to the Special Constables (Pensions) Order 1962(i), as amended(j).

5. This Order may be cited as the Special Constables (Pensions) (Amendment) (No. 2) Order 1964 and shall come into operation on 2nd November 1964.

W. G. Agnew.

(a) S.I. 1962/2756 (1962 III, p. 3785).

(c) S.I. 1964/1072 (1964 II, p. 2371).

(e) S.I. 1964/507 (1964 I, p. 869).

(g) S.I. 1963/831 (1963 I, p. 1216).

(i) S.I. 1962/2786 (1962 III, p. 3977).

(b) S.I. 1963/550, 831, 1964/471 (1963 I, pp. 598, 1216; 1964 I, p. 759).

(d) S.I. 1964/1232 (1964 II, p. 2867).

(f) S.I. 1963/550 (1963 I, p. 598).

(h) S.I. 1964/471 (1964 I, p. 759).

(j) The relevant amending instrument is S.I. 1964/507 (1964 I, p. 869).

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Special Constables (Pensions) Order 1962, which gives to special constables and their dependants certain pension benefits for which members of police forces and their dependants are eligible, in particular, a widow of a special constable (like a widow of a member of a police force) is entitled to a pension payable at a special rate in a case where her husband died as a result of an attack intrinsically likely to cause death.

The Police Pensions (Amendment) (No. 2) Regulations 1964 and the Police Pensions (Amendment) (No. 3) Regulations 1964 relate, *inter alia*, to the benefits payable to the dependants of a member of a police force. Where the death of such a member occurs on or after 1st August 1964, they provide that his widow shall be entitled to a pension payable at the special rate not only in the case mentioned above but also in the case where the husband died as a result of an injury received in the course of effecting an arrest or preventing an escape or rescue from legal custody and, in either case, for the payment of a widow's gratuity in addition to a pension. Where the deceased does not leave a widow (or, in the case of a policewoman, was her children's only surviving parent) provision is made for the payment of children's gratuities in addition to special allowances.

The present Order makes similar provision as respects the benefits payable to the dependants of special constables who die in the circumstances mentioned above.

1964 No. 1672

**INCOME TAX**

**The Consular Conventions (Income Tax) (Kingdom of Belgium) Order 1964**

Made - - - - 15th October 1964

*\*To be laid before the House of Commons*

Coming into Operation 28th October 1964

At the Court at Buckingham Palace, the 15th day of October 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas a Consular Convention(a) (hereinafter referred to as "the Convention") between Her Majesty in respect of the United Kingdom of Great Britain and Northern Ireland and His Majesty The King of the Belgians was signed at Brussels on the 8th day of March 1961, which provides, subject to certain limitations, for the matters relating to Income Tax for which provision is made in Section 24 of the Finance Act 1954(b), and which enters into force on the thirtieth day after the date of exchange of instruments of ratification:

And whereas instruments of ratification were exchanged on the 1st day of September 1964:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf conferred on Her by the said Section or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. Section 24 of the Finance Act 1954, shall apply to the Kingdom of Belgium.

2. The Section shall not apply in respect of a consular employee (a) whose name has not been duly communicated in accordance with Article 5 of the Convention or (b) whom Her Majesty's Government have declined to recognise or to continue to recognise or (c) who is a driver or employed solely on domestic duties at or in the upkeep of the consular premises.

3. This Order may be cited as the Consular Conventions (Income Tax) (Kingdom of Belgium) Order 1964. It shall come into operation on the 28th day of October 1964 and shall have effect from the date on which the Convention enters into force as notified in the London Gazette.

*W. G. Agnew.*

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\* This Instrument was laid before the House of Commons on 27th October 1964.

(a) Cmnd. 1426.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The purpose of this Order is to grant, subject to limitations, certain exemptions from Income Tax to consular officers and employees of Belgium in the United Kingdom, so as to give effect to provisions contained in the Consular Convention signed on the 8th day of March 1961.

1964 No. 1679

**ROAD TRAFFIC**

**The Motor Vehicles (Construction and Use) (Amendment)  
(No. 3) Regulations 1964**

<i>Made - - - -</i>	13th October 1964
<i>Laid before Parliament</i>	27th October 1964
<i>Coming into Operation</i>	31st October 1964

The Minister of Transport, in exercise of his powers under section 64(1) of the Road Traffic Act 1960(a) as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b) and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 31st October 1964, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 3) Regulations 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Motor Vehicles (Construction and Use) Regulations 1963(d), as amended(e), shall have effect as though—

(1) in Regulation 3(1), in the definition of “works trailer” and in the definition of “works truck” for the words “delivering goods from such premises to a vehicle” there were substituted the words “delivering goods from or to such premises to or from a vehicle”;

(2) in Regulation 4, after paragraph (8), there were inserted the following paragraph:—

“(8A) Regulations 13, 14, 20(3), 49, 52 and 86(2) of these Regulations shall not apply to any motor car or motor cycle in respect of which a certificate has been issued by the Officer in Charge of the National Collections of Road Transport, the Science Museum, London, S.W.7, that it was designed before 1st January 1905 and constructed before 31st December 1905, and paragraphs (1), (2), (5) to (7), and (9) to (11) of Regulation 47 of these Regulations shall not apply to any such motor car if it complies with the provisions of paragraph (4) of the said Regulation 47 as though it were a vehicle first registered

(a) 8 & 9 Eliz. 2. c. 16.

(b) 10 & 11 Eliz. 2. c. 59.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1963/1646 (1963 III, p. 3095).

(e) There is no relevant amending instrument.

under the Motor Car Act 1903(a) before 1st January 1915 and paragraphs (1), (2), (5) and (6) of Regulation 50 shall not apply to any such motor cycle if it complies with the provisions of paragraph (4) of the said Regulation 50 as though it were a motor cycle first registered under the Motor Car Act 1903 or the Roads Act 1920(b) before 1st January 1927.”.

Given under the Official Seal of the Minister of Transport the 13th October 1964.

(L.S.)

*Ernest Marples,*  
Minister of Transport.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1963 by:—

- (1) extending slightly the definition of a “works trailer” and a “works truck” (Reg. 2(1));
- (2) exempting from certain of the requirements of the 1963 Regulations any motor car or motor cycle designed before 1st January 1905 and constructed before 31st December 1905 for which a certificate to this effect has been issued by the Officer in Charge of the National Collections of Road Transport, the Science Museum, London, S.W.7 (Reg. 2(2)).

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(a) 3 Edw. 7. c. 36.

(b) 10 & 11 Geo. 5. c. 72.

1964 No. 1697 (S. 108)

## COURT OF SESSION, SCOTLAND

## Act of Sederunt (Rules of Court Amendment No. 4) 1964

*Made* - - - - 22nd October 1964*Coming into Operation* 22nd October 1964

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf do hereby enact as follows :—

1. The Rules of the Court of Session(b) shall be amended as follows :—

(1) In paragraph (a) of Rule of Court 172B :

- (i) by adding after the words "Succession (Scotland) Act 1964" the words "or section 2(1) of the Divorce (Scotland) Act 1938 as amended by section 7 of the Divorce (Scotland) Act 1964,";
- (ii) by adding after the words "or an application" the words "in terms of section 26(1) of the Succession (Scotland) Act 1964" ;
- (iii) by deleting the word "either", the words "or by separate minute" and the words "or of the minute" where they occur.

(2) In paragraph (b) of Rule of Court 172B, by adding after the words "for a periodical allowance," the words "or in terms of section 27 of that Act for an order reducing or varying any settlement or disposition of property belonging to a defender or interdicting a defender from making any such settlement or disposition,".

(3) In paragraph (c) of Rule of Court 172B :

- (i) by adding after the words "section 26" the words "or section 27" ;
- (ii) by adding after the words "Succession (Scotland) Act 1964" the words "or section 2(1) of the Divorce (Scotland) Act 1938 as amended as aforesaid" .

(4) In paragraph (a) of Rule of Court 178A :

- (i) by adding after the words "under section 26(1) of the Succession (Scotland) Act 1964" the words "or section 2(1) of the Divorce (Scotland) Act 1938 as amended as aforesaid" ;
- (ii) by adding after the words "for the defender" and after the words "Instead the defender" the words "or his curator *ad litem*" in each case ;
- (iii) by deleting the figure "(1)" and the comma following it, where they occur after the words "an order under section 26" ;
- (iv) by adding after the words "under section 26(3) and (4) of the Succession (Scotland) Act 1964" the words "or section 2(1) of the Divorce (Scotland) Act 1938 as amended as aforesaid" .

(a) 23 & 24 Geo. 5. c. 41.

(b) S.I. 1948 1691 (1948 I, p. 3778).

(5) In paragraph (b) of Rule of Court 181A, by adding at the end of the paragraph the words : " Subject to the provisions of Rule of Court 172A, the condescence of the summons in every action on the ground of incurable insanity shall contain a short statement of the respective means of the parties so far as known to the pursuer."

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 4) 1964, and shall come into operation on 22nd October 1964.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,  
I.P.D.

Edinburgh,  
22nd October 1964.

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#### EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)*

This Act of Sederunt amends the Rules of Court by providing procedure for applications for orders under section 27 of the Succession (Scotland) Act 1964, and under section 2(1) of the Divorce (Scotland) Act 1938 as amended by the Divorce (Scotland) Act 1964. It also provides that the condescence of the summons in an action on the ground of incurable insanity shall contain a short statement of the respective means of the parties so far as known to the pursuer. It provides that applications under section 26(1) of the Succession (Scotland) Act 1964 shall be made only by concluding for the same.



1964 No. 1713

**STATISTICS OF TRADE**
**The Census of Production (1965) (Returns and Exempted Persons) Order 1964**

<i>Made - . . . . .</i>	<i>27th October 1964</i>
<i>Laid before Parliament</i>	<i>3rd November 1964</i>
<i>Coming into Operation</i>	<i>31st December 1964</i>

The Board of Trade, in exercise of the powers conferred upon them by Section 2 of the Statistics of Trade Act 1947(a) and all other powers enabling them in that behalf, hereby order as follows:—

*Matters to which returns may relate*

1. The matters about which a person carrying on an undertaking may be required to furnish returns for the purposes of the census of production being taken under the said Act by the Board of Trade in 1965 shall be the following matters, being matters included in the Schedule to the said Act, that is to say, the nature of the undertaking, the persons employed or normally employed (including working proprietors), stocks and work in progress, the acquisition and disposal of fixed capital assets and plant, and the premises occupied.

*Exempted persons*

2. Any person carrying on an undertaking in the field of production of coal, gas, electricity, or crude or refined petroleum shall be exempted from the obligation to furnish returns for the purposes of the said census.

*Interpretation, citation and commencement*

3.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of this Order in like manner as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Census of Production (1965) (Returns and Exempted Persons) Order 1964 and shall come into operation on 31st December 1964.

27th October 1964.

*Douglas Jay,*  
President of the Board of Trade.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order prescribes that the only matters about which a person carrying on an undertaking may be required to furnish returns for the purposes of the Census of Production being taken in 1965 are those matters set out in Article 1.

It also exempts from the obligation to furnish such returns any person carrying on an undertaking in the field of production of coal, gas, electricity, or crude or refined petroleum.

1964 No. 1716

**WAGES COUNCILS**

**The Wages Regulation (Road Haulage) (No. 2)  
Order 1964**

*Made - - - - 26th October 1964*  
*Coming into Operation 23rd November 1964*

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Road Haulage Wages Council the wages regulation proposals set out in the Schedule hereto;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Road Haulage) (No. 2) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 23rd November 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Road Haulage) Order 1964(c), shall cease to have effect.

Dated 26th October 1964.

*R. J. Gunter,*  
Minister of Labour.

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(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1964/537 (1964 I, p. 941).

## ARRANGEMENT OF SCHEDULE

## MINIMUM REMUNERATION AND HOLIDAYS

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## SCHEDULE

The following minimum remuneration and provisions as to holidays and holiday remuneration shall be substituted for the statutory minimum remuneration and provisions as to holidays and holiday remuneration set out in the Wages Regulation (Road Haulage) Order 1964-(a) (hereinafter referred to as "Order R.H.(78)").

## STATUTORY MINIMUM REMUNERATION

## PART I

## REGULAR WORKERS OTHER THAN MILK WORKERS

This part of this Schedule applies to regular workers (as defined in paragraph 37) other than milk workers (as defined in paragraph 42).  
1. Subject to the provisions of this Part and of Parts III and V of this Schedule, the minimum remuneration of regular workers other than milk workers shall be as follows:—

(1) All workers except those employed on the Carriage of Indivisible Loads to whom sub-paragraph (2) of this paragraph applies:—

Occupation	Carrying capacity of vehicle (as defined in paragraph 33)	Age of worker	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 34)	Workers whose home depot is situated outside the London Area (as defined in para. 34)
(a) Drivers of vehicles other than (i) tractors not exceeding two tons unladen weight used exclusively for furniture removal work and (ii) tractors which operate from a depot in the London Area (as defined in paragraph 34).	Of 1 ton or less	Under 19 years ...	s. 139 3	s. d. 137 3
		19 and under 21 years	166 6	164 6
		21 years or over ...	205 3	200 3
	Over 1 ton and up to and including 5 tons	All ages ...	205 3	200 3
	" 5 tons " " " " 10 "		213 6	208 6
	" 10 " " " " " 15 "		220 9	215 9
	" 15 " " " " " 18 "		229 0	224 0
	" 18 tons ... " " " " ...		239 9	234 9
(b) Drivers of tractors not exceeding two tons unladen weight used exclusively for furniture removal work.	—	All ages ...	205 3	200 3

(a) S.I. 1964/537 (1964 I, p. 941).

Occupation	Carrying capacity of vehicle (as defined in paragraph 33)	Age of worker	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 34)	Workers whose home depot is situated outside the London Area (as defined in para. 34)
(c) Drivers of tractors, other than tractors not exceeding two tons unladen weight used exclusively for furniture work, which operate from a depot in the London Area (as defined in paragraph 34).	Up to and including 8 tons	All ages	s. d. 214 6	s. d. — —
	Over 8 tons and up to and including 12 tons	...	222 0	— —
	Over 12 tons	...	230 0	— —
(d) Workers in the Furniture Warehousing and Removing Industry employed as: Foremen ... Removal packers ... Porters ...	—	21 years or over	204 3 197 6 195 3	199 9 195 0 192 9
	—	Under 18 years	117 9	115 0
	—	Under 16 years 16 and under 17 years 17 " " 18 " 18 " " 19 " 19 " " 20 " 20 " " 21 " 21 years or over	79 6 87 0 94 6 127 0 138 9 153 0 197 6	77 3 84 9 93 3 124 3 135 0 148 9 194 6
(f) Other road haulage workers	—	...	...	...

## (2) Workers employed on the Carriage of Indivisible Loads.

- (a) Workers on vehicles whilst used in connection with the movement of loads, other than live or dead cattle, which by reason of indivisibility require mechanical loading or unloading equipment carried on the vehicle and operated upon the responsibility of the driver, or
- (b) Workers employed on vehicles authorised for the carriage of abnormal indivisible loads as defined in the Motor Vehicles (Authorisation of Special Types) General Order 1963(a):—

Occupation	Class of Vehicle	Carrying capacity of vehicle (as defined in paragraph 33)	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 34)	Workers whose home depot is situated outside the London Area (as defined in para. 34)
Drivers	Vehicles referred to in (a) above	Over 6 tons and up to and including 10 tons	s. d. 221 0	s. d. 217 0
		" 10 " " " " " 16 "	230 9	226 9
	Vehicles referred to in (b) above	" 16 " " " " " 20 "	244 9	240 9
		" 20 " " " " " 25 "	250 9	246 9
		" 25 " " " " " 45 "	256 9	252 9
Over 45 tons ... " " " " " ...	286 6	282 6		
Mates	Vehicles referred to in (a) above	Over 6 tons and up to and including 16 tons	197 6	194 6
		" 16 " " " " " 20 "	199 9	196 9
	Vehicles referred to in (b) above	Over 20 tons ... " " " " " ...	205 9	202 9
Heavy brakesmen and steersmen (as defined in paragraph 40)	Vehicles referred to in (b) above	—	221 3	218 3

A worker who on any day is employed in the circumstance specified in this sub-paragraph shall be paid at the rate appropriate to the vehicle for all hours worked by him on that day notwithstanding that he may be employed on other work during some part of that day.

### COMPUTATION OF HOURS OF WORK

2. The following provisions shall apply to regular workers, other than milk workers, to whom the guaranteed weekly remuneration provisions apply :—

- (1) a five-day worker who works on any day other than Saturday or Sunday shall, subject to the proviso to paragraph 43(1)(b), be deemed to have worked for 8½ hours on any day Monday to Thursday and for 8 hours on Friday notwithstanding that he was employed for less than 8½ or 8 hours respectively ;
- (2) a six-day worker who works on any day other than Sunday shall, subject to the provisions of paragraph 24 and the proviso to paragraph 43(1)(a), be deemed to have worked for 7½ hours on any day Monday to Thursday, for 8 hours on Friday and for 4 hours on Saturday notwithstanding that he was employed for less than 7½, 8 or 4 hours respectively :

Provided that a worker who is instructed to report for duty and presents himself for duty but does not commence work shall be deemed to have commenced work.

### OVERTIME

3. Subject to the provisions of paragraphs 23, 24 and 43 the following shall be regarded as overtime :—

- (1) Time worked in excess of 7½ hours on any day Monday to Thursday and 8 hours on Friday (subject to the proviso to paragraph 43(1)(a)) in the case of a six-day worker and in excess of 8½ hours on any day Monday to Thursday and 8 hours on Friday (subject to the proviso to paragraph 43(1)(b)) in the case of a five-day worker.

(2) Time worked on Saturdays :—

(a) in the case of a six-day worker, in excess of 4 hours, provided that all time worked after 12.30 p.m. by a worker other than a film transport worker shall be regarded as overtime ;

(b) in the case of a five-day worker, all time worked, provided that a five-day worker who works for less than 4 hours shall be deemed to have worked for 4 hours.

(3) Time worked on Sunday.

A worker who works for less than 5½ hours on Sunday shall be deemed to have worked for 5½ hours :

Provided that a worker whose hours entail a spell of duty commencing on Saturday and finishing on Sunday before 5.30 a.m. or commencing on Sunday after 6.30 p.m. and finishing on Monday, shall not, unless the Sunday duty is less than 3 hours, be deemed to have worked on Sunday in excess of the hours actually worked. If the Sunday duty is less than 3 hours he shall be deemed to have worked 3 hours on Sunday :

Provided also that a worker commencing work on Saturday who finishes work between midnight and 1 a.m. on Sunday shall be deemed to have worked one hour on Sunday.

(4) Time worked in any week in excess of 42 hours.

4.—(1) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 2, 3(3) and 23.



- (2) Time worked on a customary holiday in accordance with paragraph 26(2)(b) or paragraph 27(2)(b) or on a day in the circumstances set out in the proviso to paragraph 26(4)(a) or paragraph 27(4)(a), paragraph 26(3) or paragraph 27(3) shall not be included in the calculation of overtime.
- (3) When a worker's hours of duty or any part thereof entail employment between 9 p.m. and 6 a.m., a day shall, for the purpose of paragraph 3(1) and paragraph 3(2) be deemed to be any period of 24 hours commencing at 12 noon.

#### PAYMENT FOR OVERTIME

5. The following are the rates payable for overtime :—

for the first 2 <i>hours</i> of overtime in any week (exclusive of Saturday and Sunday) ... ..	time-and-a-quarter
after the first 2 <i>hours</i> of overtime in any week (exclusive of Saturday and Sunday) ... ..	time-and-a-half
on Saturday ... ..	time-and-a-half
on Sunday ... ..	double time

**PART II**  
**MILK WORKERS**

This Part of this Schedule applies to milk workers (as defined in paragraph 42)

6. Subject to the provisions of this Part and of Parts III and V of this Schedule, the minimum remuneration of milk workers shall be as follows:—

Occupation	Carrying capacity of vehicle (as defined in paragraph 33)	Age of worker	Remuneration per week	
			Workers whose home depot is situated in the London Area (as defined in para. 34)	Workers whose home depot is situated outside the London Area (as defined in para. 34)
(1) Drivers of vehicles other than tractors which operate from a depot in the London Area (as defined in paragraph 34).	Of 1 ton or less	Under 19 years ... 19 and under 21 years ... 21 years or over ...	s. d. 139 3 166 6 205 3	s. d. 137 3 164 6 200 3
	Over 1 ton and up to and including 5 tons	All ages ...	205 3	200 3
	" 5 tons " " " 10 "		213 6	208 6
	" 10 " " " " 15 "		220 9	215 9
	" 15 " " " " 18 "		229 0	224 0
Over 18 tons	Over 18 tons ...	239 9	234 9	
(2) Drivers of tractors which operate from a depot in the London Area (as defined in paragraph 34).	Up to and including 8 tons	All ages ...	214 6	—
	Over 8 tons and up to and including 12 tons		222 0	—
	Over 12 tons		230 0	—
(3) Statutory attendants	—	Under 18 years ...	117 9	115 0
(4) Other road haulage workers	—	Under 16 years ...	79 6	77 3
		16 and under 17 years	84 9	84 9
		17 " " 18 "	94 6	93 3
		18 " " 19 "	127 0	124 3
		19 " " 20 "	138 9	135 0
		20 " " 21 "	153 0	148 9
		21 years or over	197 6	194 6

## SUNDAY WORK

7. A milk worker shall be paid time-and-a-half for 7 hours for any time worked or deemed to have been worked not exceeding 7 hours on Sunday not being the worker's normal day of rest and, thereafter, in accordance with paragraph 11.

## COMPUTATION OF HOURS OF WORK

8. A milk worker to whom the guaranteed weekly remuneration provisions apply who works on any day shall be deemed to have worked for 7 hours notwithstanding that he was employed for less than 7 hours:

Provided that a milk worker who is instructed to report for duty and presents himself for duty but does not commence work shall be deemed to have commenced work.

## OVERTIME

9. Subject to the provisions of paragraphs 24 and 43 the following shall be regarded as overtime :—
- (1) Time worked in excess of 7 hours on any day other than the milk worker's normal day of rest, and all time worked on the milk worker's day of rest.
  - (2) Time worked in any week in excess of 42 hours.
- 10.—(1) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 8 and 23.
- (2) Time worked on a customary holiday in accordance with paragraph 26(2)(b) or paragraph 27(2)(b) or on a day in the circumstances set out in the proviso to paragraph 26(4)(a) or paragraph 27(4)(a), paragraph 26(3) or paragraph 27(3) shall not be included in the calculation of overtime.
  - (3) When a worker's hours of duty or any part thereof entail employment between 9 p.m. and 6 a.m., a day shall, for the purpose of paragraph 9(1) be deemed to be any period of 24 hours commencing at 12 noon.

## PAYMENT FOR OVERTIME

11. The following are the rates payable for overtime:—

in any week exclusive of the milk worker's normal day of rest, Saturday and Sunday—

for the first 2 hours of overtime ... .. time-and-a-quarter  
for all time worked in excess of 2 hours of overtime ... time-and-a-half

on Saturday not being the milk worker's normal day of rest—

for all time worked in excess of 7 hours ... .. time-and-a-half

on Sunday not being the milk worker's normal day of rest—

for all time worked in excess of 7 hours ... .. double time

on the milk worker's normal day of rest—

for any time worked not exceeding 7 hours ... .. double time for seven hours

for all time worked in excess of 7 hours ... .. double time.

**PART III****REGULAR WORKERS INCLUDING MILK WORKERS**

**This Part of this Schedule applies to regular workers including milk workers.**

**WORKERS TEMPORARILY TRANSFERRED**

*12. A worker who is temporarily transferred away from his normal home depot and stationed in another locality (beyond reasonable daily travelling distance from his home) for more than one week shall be paid either the rates of wages appropriate to the locality in which his normal home depot is situated, or those appropriate to the new locality in which he has been stationed, whichever is more favourable to the worker.*

**HOURLY RATE**

13. For the purpose of calculating the hourly rates of regular workers, the rates of wages specified in paragraphs 1 and 6 shall be divided by 42.

**GUARANTEED WEEKLY REMUNERATION**

14.—(1) Notwithstanding the provisions of the other paragraphs of this Schedule, where in any week a worker has performed some road haulage work for the employer and the total remuneration payable for time worked and time deemed to have been worked (excluding overtime and special payments as defined in sub-paragraph (4) of this paragraph) is less than the guaranteed weekly remuneration provided under this paragraph, the minimum remuneration payable to that worker for that week shall, subject to the provisions of this paragraph, be that guaranteed weekly remuneration with the addition of any amount which may be payable in respect of overtime and by way of special payments.

(2) The guaranteed weekly remuneration is the pay for 42 hours, reduced by any time not reckonable by reason of sub-paragraph (3) of this paragraph and excluding special payments, calculated as follows:—

- (a) for the time worked and time deemed to have been worked at the rate or rates applicable to such work (but excluding overtime) and
- (b) for the remaining time at the time rate normally applicable to the worker.

(3) In calculating the guaranteed weekly remuneration no account shall be taken of (a) any time during which the worker is absent from work with or without leave of the employer or on account of sickness or (b) any time during which the worker is suspended from work following the expiry of any notice given to him in any of the following manners and circumstances:—

- (i) flood, snow, ice or other climatic conditions of such a nature as to preclude the operation of the vehicle, provided that not less than 24 hours' notice of the suspension of work shall be given individually to the worker and by the posting of a notice in the depot or other mutually convenient place;
- (ii) where the employer is unable to carry on his business by reason of a strike or lock-out, provided that not less than 4 days' notice of such inability is given to the worker;
- (iii) where the employer is unable to operate a vehicle or vehicles owing to the restriction of his fuel supply under any enactment or regulation made thereunder, provided that not less than 24 hours' notice of such inability is given to the worker or workers concerned:

Provided that the foregoing notices shall not be given when the worker is away from his home depot, and the suspension shall not operate until the

required notice has been given to the worker on his return to his home depot.

(4) For the purposes of sub-paragraphs (1) and (2) of this paragraph:—

(a) in addition to any time deemed to have been worked under the other provisions of this Schedule ;

(i) where a worker is allowed a day as a customary holiday or in lieu of a customary holiday or an annual holiday he shall be deemed to have worked the number of hours (excluding overtime) ordinarily worked by him on that day of the week ;

(ii) where a worker is required to work on a day of customary holiday he shall be deemed to have worked the number of hours (excluding overtime) ordinarily worked by him on that day of the week notwithstanding that he was employed for less than that number of hours :

Provided that if a worker works on a customary holiday in accordance with the provisions of paragraph 26(2)(b) or paragraph 27(2)(b) or on a day in the circumstances set out in the proviso to paragraph 26(4)(a) or paragraph 27(4)(a) he shall be deemed only to have worked double the number of hours worked by him on that day (part of an hour being counted as an hour).

(b) "Special payments" means the following amounts:—

(i) Any additional payment for night work payable under paragraph 20.

(ii) Any amount payable under paragraph 22 (payment for telephoning for instructions whilst off duty).

(iii) Any subsistence allowance (other than payment for hours during which the worker is deemed to be on duty) payable under paragraph 23.

(iv) Any amount payable in respect of customary holidays occurring on the worker's weekly half-holiday or, in the case of a five-day worker, on a Saturday, or, in the case of a milk worker, on his normal day of rest, under provisos (i), (ii) and (iii) of paragraph 26(1) or under provisos (i), (ii) and (iii) of paragraph 27(1).

(5) The provisions of this paragraph shall not apply to a worker whose normal employment in the service of the employer substantially includes other work as well as road haulage work. Such a worker shall be paid in respect of the road haulage work at the appropriate rate for the time actually spent on such work.

A worker not normally a road haulage worker, but who occasionally performs road haulage work, shall be paid the rates of wages appropriate to a road haulage worker for the time actually spent on such work.

#### PART IV

##### WORKERS OTHER THAN REGULAR WORKERS

This Part of this Schedule applies to workers other than regular workers.

15. Subject to the provisions of this Part and of Part V of this Schedule the minimum remuneration of workers other than regular workers shall be the hourly rates applicable to regular workers under Part I or Part II of this Schedule increased by 4d. per hour.

##### GUARANTEED DAY

16. Subject to the provisions of paragraph 24 (relating to the alternative weekly half-holiday) sub-paragraphs (6) and (7) of paragraphs 26 and 27 (relating to work on customary holidays) a worker other than a regular worker shall

be paid not less than the wages due for 7½ hours in respect of work done, or deemed to have been done, by him on any day Monday to Thursday, for 8 hours in respect of work done, or deemed to have been done, on Friday, and not less than the wages due for 4 hours in respect of work done, or deemed to have been done, by him on Saturday:

Provided that—

- (1) where a spell of duty commences before midnight and continues thereafter, a worker shall not be entitled, by that fact alone, to two guaranteed payments in respect of that spell of duty;
- (2) a worker who is engaged for a day of not less than 7½ hours on any day Monday to Thursday, of not less than 8 hours on Friday, or for not less than 4 hours on Saturday, for work other than road haulage work, but who may perform some road haulage work, shall be paid for the time actually spent on road haulage work at the hourly rate or rates, calculated in accordance with the provisions of paragraph 15; and
- (3) a worker who is instructed to report for duty, and presents himself for duty but does not commence work, shall be deemed to have commenced work.

Subject to the provisions relating to overtime, a worker other than a regular worker shall, when the number of hours worked or payable under the guarantee provided in this paragraph, is 7½ on any day Monday to Thursday, 8 on Friday or 4 on Saturday, be paid the wages applicable to a regular worker for 7½ hours, 8 hours or 4 hours as the case may be, plus 2s. 8d.

In all other circumstances, he shall be paid at an hourly rate, which is 4d. per hour above the hourly rate applicable to a regular worker.

The provisions of this paragraph are subject to the provisions of paragraph 24.

### OVERTIME

17. Subject to the provisions of paragraphs 23 and 24 the following shall be regarded as overtime:—

- (1) Time worked in excess of 7½ hours on any day Monday to Thursday, in excess of 8 hours on Friday and in excess of 4 hours on Saturday.
- (2) Time worked on Sunday.

A worker who works for less than 5½ hours on Sunday shall be deemed to have worked for 5½ hours:

Provided that a worker whose hours entail a spell of duty commencing on Saturday and finishing on Sunday before 5.30 a.m. or commencing on Sunday after 6.30 p.m. and finishing on Monday, shall not, unless the Sunday duty is less than 3 hours, be deemed to have worked on Sunday in excess of the hours actually worked. If the Sunday duty is less than 3 hours he shall be deemed to have worked 3 hours on Sunday:

Provided also that a worker commencing work on Saturday who finishes work between midnight and 1 a.m. on Sunday shall be deemed to have worked one hour on Sunday.

- 18.—(1) In determining the time to be regarded as overtime, time worked shall include time deemed to have been worked under the provisions of paragraphs 17(2) and 23.
- (2) Time worked on a customary holiday in accordance with paragraph 26(2)(b) or paragraph 27(2)(b) or on a day in the circumstances set out in the proviso to paragraph 26(4)(a) or paragraph 27(4)(a) shall not be included in the calculation of overtime.
- (3) When a worker's hours of duty or any part thereof entail employment between 9 p.m. and 6 a.m., a day shall, for the purpose of paragraph 17(1), be deemed to be any period of 24 hours commencing at 12 noon.

## PAYMENT FOR OVERTIME

19. The following are the rates payable for overtime:—

on any day (other than Saturday and Sunday)	...	time-and-a-quarter
on Saturday	... ..	time-and-a-half
on Sunday	... ..	double time

## PART V

## ALL WORKERS—ADDITIONAL PROVISIONS

This Part of this Schedule applies to all workers except where otherwise stated.

## NIGHT WORK

20. A worker whose hours of duty or any part thereof entail employment between 7 p.m. and 6 a.m. shall be paid the appropriate rates of wages specified in paragraph 1, paragraph 6, or paragraph 15 and, in addition, in each spell of duty, 11d. for each hour, or part of an hour, worked between 7 p.m. and 6 a.m. provided that where a spell of duty commences before 7 p.m. and finishes not later than 9 p.m. the additional payment shall not be payable. Where overtime is payable in respect of hours worked between 7 p.m. and 6 a.m., this additional payment remains payable but is not to be included for the purpose of calculating the overtime rate payable in respect of those hours.

## TRAVELLING

21. When a worker is required to travel in, or on, or to accompany a vehicle for the purpose of doing road haulage work he shall, in determining the wages payable, be deemed to be engaged on the road haulage work usually performed by him.

## TELEPHONING FOR INSTRUCTIONS WHILE OFF DUTY

22.—(1) If a worker during the period between two spells of duty is required to telephone for instructions he shall be paid the wages due for one hour:

Provided that this provision shall not apply when the telephone call is made immediately following a spell of duty.

(2) On each subsequent occasion, during the same period between two spells of duty, on which the worker is required to telephone for instructions he shall be paid the wages due for 4 hours:

Provided that if when telephoning on any such occasion the worker is instructed to commence work within one hour of so telephoning, he shall be paid for one hour instead of the said 4 hours.

(3) The payments to be made under sub-paragraphs (1) and (2) of this paragraph shall be at the rate normally applicable to the worker and shall be in addition to the weekly wages otherwise due to him.

## SUBSISTENCE

23.—(1) (a) When a worker's period of rest occurs away from his home depot he shall be paid 20s. 0d. in respect of each period of rest not exceeding 15 hours' continued duration. Subject to the provisions of sub-paragraph (1)(b) of this paragraph, when any such period of rest exceeds 15 hours the worker shall be deemed to be on duty and shall be entitled to be paid (in addition to the 20s. 0d.) at the time rate which would be payable if he were actually at work for the period he is resting in excess of 15 hours but not in excess of 24 hours or 23 hours according to whether he is a

five- or six-day worker. If the period of rest exceeds 24 or 23 hours, as the case may be, these arrangements will continue to apply until the worker resumes actual duty ;

- (b) Where, following the first 15 hours of a period of rest for which subsistence is payable, deemed duty or actual duty commences on a Sunday, the worker shall be entitled (in addition to the 20s. 0d.) in respect of any deemed and any actual duty performed on the Sunday to not less than the wages due for 9 hours or 8 hours at double time, according to whether he is a five- or six-day worker.
- (2) Notwithstanding the provisions of sub-paragraph (1) of this paragraph the following provisions shall apply in the case of a worker who is temporarily transferred away from his normal home depot and stationed in another locality (beyond reasonable daily travelling distance from his home) for more than one week :—
- (a) after payment in respect of the first week in accordance with the provisions of sub-paragraph (1) of this paragraph a worker shall, in respect of the second and subsequent weeks, be paid a weekly subsistence allowance of 96s. 3d. (i.e., 13s. 9d. per day) ;
- (b) if a worker already on temporary transfer is temporarily transferred to another new station beyond reasonable daily travelling distance from his home he shall (after payment in respect of the first week at such other new station in accordance with sub-paragraph (1) of this paragraph) be paid, in respect of the second and subsequent weeks, a weekly subsistence allowance of 96s. 3d. (i.e., 13s. 9d. per day) ;
- (c) for any period of rest occurring away from a new station and from his home, he shall be paid in accordance with the provisions of sub-paragraph (1) of this paragraph and, in respect of any day for which payment is made to the worker under the provisions of that sub-paragraph, the subsistence allowances of 13s. 9d. per day (specified in (a) and (b) above) shall be reduced to 10s. 6d. per day.

#### ALTERNATIVE WEEKLY HALF-HOLIDAY

24. Where it is the established practice of any section of the industry to allow the weekly half-holiday on any weekday other than a Saturday, and that day is in the case of a six-day worker substituted for Saturday as the worker's weekly half-holiday the provisions of paragraphs 2, 3(1) and (2), 14, 16, 17(1) and 43, shall apply as if in these provisions that day were substituted for " Saturday " and " Saturday " for that day.

#### MEAL TIMES

25. The hours of work specified are, except for the purpose of paragraph 23, exclusive of meal times.

#### CUSTOMARY HOLIDAYS—ENGLAND AND WALES

- 26.—(1) Subject to the provisions of this paragraph, an employer in England and Wales shall allow the following days as holidays to regular workers to whom paragraphs 1 and 6 apply and who were in his employment on the day immediately prior to the day of holiday :—Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be prescribed by national proclamation, or the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and all nationally proclaimed holidays. Where in any place it is not the custom or practice to observe such days as holidays, other days (not fewer in number) may, by agreement between the employer and the worker, be substituted for the above-mentioned days. Each such day (i.e., one of the days specified above or a day substituted therefor—hereafter in this paragraph referred to as a



“customary holiday”) taken as a holiday shall be paid for on the basis of the wages due for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker:

Provided that—

- (i) in addition to the foregoing, in the case of a six-day worker, other than a milk worker, where the customary holiday falls on the worker's weekly half-holiday he shall be paid in respect of that day a sum equivalent to the wages due for 4 hours' work at the rate normally applicable to him ;
- (ii) in the case of a five-day worker, where the customary holiday falls on a Saturday he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him ;
- (iii) in the case of a milk worker, where the customary holiday falls on the worker's normal day of rest he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him.

(2) Notwithstanding the foregoing provisions of this paragraph, a regular worker may work for the employer on a customary holiday:—

- (a) where by reason of the necessity of maintaining essential services the allowing of a customary holiday is rendered impracticable ; or
- (b) where the worker will work on the customary holiday for not more than 3 hours during a spell of duty commencing on the day before the customary holiday or ending on the day after the holiday :

Provided that this sub-paragraph shall not apply to women and young persons in whose cases work on the customary holiday would be illegal.

(3) (a) Where a worker works on a customary holiday by virtue of sub-paragraph (2)(a) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work for all time worked by him thereon or for the basic hours for that worker, whichever amount is the greater. For the purpose of this sub-paragraph basic hours means, in the case of a milk worker, 8 hours, and, in the case of any other worker, the number of hours (excluding overtime) ordinarily worked by him on the day of the week on which the customary holiday falls.

(b) Where a worker works on a customary holiday by virtue of sub-paragraph (2)(b) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work (part of an hour being counted as an hour) and, in addition, an amount equal to the holiday remuneration to which he would have been entitled under the provisions of this order if he had been allowed a customary holiday on that day.

(4) (a) Where a regular worker works on a customary holiday by virtue of the provisions of sub-paragraph (2)(a) of this paragraph he shall, within the period of 8 weeks immediately following the customary holiday, be allowed a day's holiday (hereafter referred to as “a day in lieu of a customary holiday”) on a weekday (other than a weekly half-holiday) on which the worker normally works for the employer:

Provided that if on a weekday which is not a customary holiday or a weekly half-holiday within the said period of 8 weeks the worker works for the employer for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day and the worker is paid for such work remuneration not less than the remuneration provided for work on a customary holiday under sub-paragraph (3)(b) of this paragraph, an employer is not required to allow to a worker a day in lieu of a customary holiday.

(b) For each day in lieu of a customary holiday allowed to a worker he shall be paid not less than the holiday remuneration to which he would have

- been entitled under the provisions of this Schedule if the day had been a customary holiday.
- (c) For the purposes of this paragraph in the case of a worker who is employed on spells of duty which start before midnight and continue for more than 3 hours after midnight the day in lieu of a customary holiday shall include any period of 24 consecutive hours beginning and ending at noon on a weekday (other than a weekly half-holiday) on which the worker normally works.
- (5) The holiday remuneration for a customary holiday or a day in lieu of a customary holiday shall be paid by the employer to the worker not later than the day on which the wages for the first working day following the customary holiday or day in lieu of the customary holiday are paid.
- (6) Except as specified in sub-paragraph (7) of this paragraph a worker, other than a regular worker, who is employed on a customary holiday shall be paid for such work at double the rate otherwise appropriate thereto, and, notwithstanding that he may work for less than 8 hours on any such day, he shall be paid not less than twice the amount due, under the provisions of paragraph 16, for a guaranteed day of 8 hours.
- (7) Where a worker, other than a regular worker, works for the employer on a customary holiday for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day, he shall be paid for such work at double the rate appropriate to such work, part of an hour being counted as an hour.

#### CUSTOMARY HOLIDAYS—SCOTLAND

27.—(1) Subject to the provisions of this paragraph, an employer in Scotland shall allow the following days as holidays to regular workers to whom paragraphs 1 and 6 apply and who were in his employment on the day immediately prior to the day of holiday:—

- (a) New Year's day (or the following day if New Year's day falls on a Sunday), the local Spring Holiday, the local Autumn Holiday, and all nationally proclaimed holidays ;
- (b) Three other days in the course of a calendar year to be fixed by the employer and notified to the workers not less than 21 days before the holiday ;
- (c) Where in any place it is not the custom or practice to observe the days mentioned in (a) above as holidays, other days (not fewer in number) may, by agreement between the employer and the worker, be substituted for the above-mentioned days.

Each such day (i.e., one of the days specified above or a day substituted therefor—hereafter in this paragraph referred to as a "customary holiday") taken as a holiday shall be paid for on the basis of the wages due for the number of hours (excluding overtime) ordinarily worked by the worker on that day of the week at the time rate normally applicable to the worker:

Provided that—

- (i) in addition to the foregoing, in the case of a six-day worker other than a milk worker, where the customary holiday falls on the worker's weekly half-holiday he shall be paid in respect of that day a sum equivalent to the wages due for 4 hours' work at the rate normally applicable to him ;
- (ii) in the case of a five-day worker, where the customary holiday falls on a Saturday he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him ;

(iii) in the case of a milk worker, where the customary holiday falls on the worker's normal day of rest he shall be paid in respect of that day a sum equivalent to the wages due for 8 hours' work at the rate normally applicable to him.

(2) Notwithstanding the foregoing provisions of this paragraph, a regular worker may work for the employer on a customary holiday:—

(a) where by reason of the necessity of maintaining essential services the allowing of a customary holiday is rendered impracticable; or

(b) where the worker will work on the customary holiday for not more than 3 hours during a spell of duty commencing on the day before the customary holiday or ending on the day after the holiday:

Provided that this sub-paragraph shall not apply to women and young persons in whose cases work on the customary holiday would be illegal.

(3) (a) Where a worker works on a customary holiday by virtue of sub-paragraph (2)(a) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work for all time worked by him thereon or for the basic hours for that worker, whichever amount is the greater. For the purpose of this sub-paragraph basic hours means, in the case of a milk worker, 8 hours and, in the case of any other worker, the number of hours (excluding overtime) ordinarily worked by him on the day of the week on which the customary holiday falls.

(b) Where a worker works on a customary holiday by virtue of sub-paragraph (2)(b) of this paragraph he shall be paid for work on that day at not less than double the rate appropriate to such work (part of an hour being counted as an hour) and, in addition, an amount equal to the holiday remuneration to which he would have been entitled under the provisions of this order if he had been allowed a customary holiday on that day.

(4) (a) Where a regular worker works on a customary holiday by virtue of the provisions of sub-paragraph (2)(a) of this paragraph he shall, within the period of 8 weeks immediately following the customary holiday, be allowed a day's holiday (hereafter referred to as "a day in lieu of a customary holiday") on a weekday (other than a weekly half-holiday) on which the worker normally works for the employer:

Provided that if on a weekday which is not a customary holiday or a weekly half-holiday within the said period of 8 weeks the worker works for the employer for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day and the worker is paid for such work remuneration not less than the remuneration provided for work on a customary holiday under sub-paragraph (3)(b) of this paragraph an employer is not required to allow a worker a day in lieu of a customary holiday.

(b) For each day in lieu of a customary holiday allowed to a worker he shall be paid not less than the holiday remuneration to which he would have been entitled under the provisions of this Schedule if the day had been a customary holiday.

(c) For the purposes of this paragraph in the case of a worker who is employed on spells of duty which start before midnight and continue for more than 3 hours after midnight the day in lieu of a customary holiday shall include any period of 24 consecutive hours beginning and ending at noon on a weekday (other than a weekly half-holiday) on which the worker normally works.

(5) The holiday remuneration for a customary holiday or a day in lieu of a customary holiday shall be paid by the employer to the worker not later than the day on which the wages for the first working day following the customary holiday or day in lieu of a customary holiday are paid.

(6) Except as specified in sub-paragraph (7) of this paragraph, a worker, other than a regular worker, who is employed on any of the days mentioned in sub-paragraph (1)(a) of this paragraph shall be paid for such work at double the rate otherwise appropriate thereto, and, notwithstanding that he

may work for less than 8 hours on any such day, he shall be paid not less than twice the amount due, under the provisions of paragraph 16, for a guaranteed day of 8 hours.

- (7) Where a worker, other than a regular worker, works for the employer on a customary holiday for not more than 3 hours during a spell of duty commencing on the immediately preceding day or ending on the following day, he shall be paid for such work at double the rate appropriate to such work, a part of an hour being counted as an hour.

#### ANNUAL HOLIDAY AND HOLIDAY REMUNERATION

- 28.—(1) In addition to the holidays provided for in paragraphs 26 and 27 (and subject to the provisions of sub-paragraphs (3) and (5) of this paragraph) an employer shall between 1st May 1965 and 15th October 1965, and in each succeeding year between 1st May and 15th October allow a holiday (hereinafter referred to as an "annual holiday") to every worker in his employment for whom statutory minimum remuneration has been fixed under paragraphs 1, 6 or 15 and who was during the 12 months immediately preceding the commencement of the holiday season in that year (hereinafter referred to as the "qualifying period") in his employment for any of the periods of employment specified below, and the duration of a worker's annual holiday shall be related to the period of his employment during the qualifying period as follows:—

Six-day workers		Five-day workers	
Period of employment	Duration of annual holiday	Period of employment	Duration of annual holiday
At least 48 weeks	12 days	At least 48 weeks	10 days
" " 44 "	11 "	" " 43 "	9 "
" " 40 "	10 "	" " 38 "	8 "
" " 36 "	9 "	" " 33 "	7 "
" " 32 "	8 "	" " 28 "	6 "
" " 28 "	7 "	" " 24 "	5 "
" " 24 "	6 "	" " 19 "	4 "
" " 20 "	5 "	" " 14 "	3 "
" " 16 "	4 "	" " 9 "	2 "
" " 12 "	3 "	" " 4 "	1 day
" " 8 "	2 "		
" " 4 "	1 day		

- (2) For the purpose of calculating a period of employment in respect of annual holiday and accrued holiday remuneration "employment" means employment on road haulage work specified in paragraphs 44 and 45 and also employment partly on that work and partly on work other than such road haulage work, and a worker shall be treated as in the employment of the employer when absent from work in any of the following circumstances:—

- (a) absences of the worker arising from suspension in accordance with paragraph 14(3)(b);
- (b) absences of the worker owing to proved illness or accident up to but not exceeding 16 weeks in the aggregate during the qualifying period;
- (c) suspension from employment owing to shortage of work or mechanical breakdown up to but not exceeding 16 weeks in the aggregate during the qualifying period;
- (d) absences of the worker arising from the allowance of holidays provided for in paragraph 26 or paragraph 27 and annual holiday allowed under the provisions of this paragraph;
- (e) other absences with reasonable cause during the qualifying period;
- (f) absence for not more than 7 days during the qualifying period for reasons other than those specified in (a) to (e) above.

- (3) Notwithstanding the provisions of sub-paragraphs (1) and (2) of this paragraph, a worker who has been absent for more than 7 days during the qualifying period for reasons other than those specified in (a) to (e) of sub-paragraph (2) of this paragraph shall not be entitled to any annual holiday in respect of such period.
- (4) In this Schedule the expression "holiday season" means in relation to an annual holiday during the year 1965, the period commencing on 1st May 1965 and ending on 15th October 1965, and in relation to each subsequent year, the period commencing on 1st May and ending on 15th October in that year.
- (5) Notwithstanding the provisions of sub-paragraphs (1) and (4) of this paragraph, where before 1st October in any holiday season, at the written request of a worker his employer has agreed in writing that the worker shall be allowed after the end of the holiday season and before 1st May in the following year, the annual holiday, or any part thereof, for which he has qualified under this paragraph, any such days of annual holiday may, subject to the provisions of paragraph 32, be allowed in accordance with the agreement and if so allowed shall be treated for the purposes of this Schedule as having been allowed during the holiday season.

29.—(1) In respect of an annual holiday allowed under paragraph 28, holiday remuneration shall be paid as follows:—

Period of annual holiday Column 1	Holiday remuneration for—		Column 4
	Six-day workers Column 2	Five-day workers Column 3	
12 days	Twice the amount in Col. 4	—	The amount which the worker would be entitled to receive from his employer at the date of the annual holiday for 42 hours' work (exclusive of overtime) at the time rate normally applicable to him under this Schedule.
11 days	One and five-sixths times the amount in Col. 4	—	
10 days	One and two-thirds times the amount in Col. 4	Twice the amount in Col. 4	
9 days	One and a half times the amount in Col. 4	One and four-fifths times the amount in Col. 4	
8 days	One and one-third times the amount in Col. 4	One and three-fifths times the amount in Col. 4	
7 days	One and one-sixth times the amount in Col. 4	One and two-fifths times the amount in Col. 4	
6 days	The amount in Col. 4	One and one-fifth times the amount in Col. 4	
5 days	Five-sixths of the amount in Col. 4	The amount in Col. 4	
4 days	Two-thirds of the amount in Col. 4	Four-fifths of the amount in Col. 4	
3 days	One-half of the amount in Col. 4	Three-fifths of the amount in Col. 4	
2 days	One-third of the amount in Col. 4	Two-fifths of the amount in Col. 4	
1 day	One-sixth of the amount in Col. 4	One-fifth of the amount in Col. 4	

(2) Holiday remuneration shall be paid on the last pay day preceding the annual holiday:

Provided that where in accordance with the proviso to paragraph 32(1) an annual holiday is allowed in two or three periods the holiday remuneration shall be apportioned accordingly.

30. Where any accrued holiday remuneration has been paid by the employer to the worker under paragraph 31(1) in respect of any period of employment

in the qualifying period preceding the holiday season current when the annual holiday is allowed, the amount to be paid in respect of the period of such holiday is the appropriate amount payable under paragraph 29 less the accrued holiday remuneration previously paid as aforesaid.

- 31.—(1) Where a worker ceases to be employed, accrued holiday remuneration shall, immediately on the termination of the employment, be paid to him by his employer in accordance with sub-paragraph (2) of this paragraph for periods of employment in respect of which he has not been allowed or has not become entitled to be allowed an annual holiday under this Schedule :

Provided that—

- (a) where a worker ceases to be employed after being allowed a part of the annual holiday for which he has qualified by reason of his employment during any of the periods of 12 months referred to in the next following sub-paragraph but before being allowed the rest of the annual holiday for which he has so qualified, the accrued holiday remuneration payable to him in respect of his employment during the said period of 12 months shall be reduced by the amount of holiday remuneration received by him in respect of the part of the annual holiday he has been allowed ;
- (b) the amount of any accrued holiday remuneration payable in respect of any period of employment shall be reduced by the amount of any previous payment of accrued holiday remuneration in respect of that period made by the employer to the worker under the provisions of this Schedule or of Order R.H.(78).

- (2) For the purpose of sub-paragraph (1) of this paragraph, during the period of 12 months commencing on 1st May 1964, and thereafter during each successive period of 12 months commencing on 1st May, accrued holiday remuneration shall be payable as follows:—

Six-day workers		Five-day workers		Column 5
Period of employment Column 1	Accrued holiday remuneration Column 2	Period of employment Column 3	Accrued holiday remuneration Column 4	
After 48 weeks	Twice the amount in Col. 5	After 48 weeks	Twice the amount in Col. 5	The amount which the worker would be entitled to receive from his employer at the date of the termination of his employment for 42 hours' work (exclusive of overtime) at the time rate normally applicable to him under this Schedule.
After 44 weeks	One and five-sixths times the amount in Col. 5	After 43 weeks	One and four-fifths times the amount in Col. 5	
After 40 weeks	One and two-thirds times the amount in Col. 5	After 38 weeks	One and three-fifths times the amount in Col. 5	
After 36 weeks	One and a half times the amount in Col. 5	After 33 weeks	One and two-fifths times the amount in Col. 5	
After 32 weeks	One and one-third times the amount in Col. 5	After 28 weeks	One and one-fifth times the amount in Col. 5	
After 28 weeks	One and one-sixth times the amount in Col. 5	After 24 weeks	The amount in Col. 5	
After 24 weeks	The amount in Col. 5	After 19 weeks	Four-fifths of the amount in Col. 5	
After 20 weeks	Five-sixths of the amount in Col. 5	After 14 weeks	Three-fifths of the amount in Col. 5	
After 16 weeks	Two-thirds of the amount in Col. 5	After 9 weeks	Two-fifths of the amount in Col. 5	
After 12 weeks	One-half of the amount in Col. 5	After 4 weeks	One-fifth of the amount in Col. 5	
After 8 weeks	One-third of the amount in Col. 5			
After 4 weeks	One-sixth of the amount in Col. 5			

(3) Accrued holiday remuneration shall not be payable to a worker in respect of a qualifying period during which he was absent for more than 7 days for reasons other than those specified in (a) to (e) of paragraph 28(2).

32.—(1) An annual holiday under paragraph 28 shall be allowed on consecutive working days being days upon which the worker is normally called upon to work, and days of holiday shall be treated as consecutive notwithstanding that a Sunday or any of the holidays allowed under paragraph 26 or paragraph 27 intervenes :

Provided that where the duration of an annual holiday for which a worker is qualified exceeds the period of his normal working week, the holiday may, at the written request of the worker and with the agreement of the employer, be allowed in two or three periods, one of which shall be not less than the period of his normal working week.

(2) An employer shall give to a worker reasonable notice of the commencing date or dates and of the duration of his annual holiday. Such notice may be given individually to a worker or by the posting of a notice in the worker's home depot.

PART VI

DEFINITIONS

Carrying capacity

33.—(1) The carrying capacity of a vehicle is the weight of the maximum load normally carried by the vehicle, and such carrying capacity when so established shall not be affected either by variations in the weight of the load resulting from collections or deliveries or emptying of containers during the course of the journey, or by the fact that on any particular journey a load greater or less than the established carrying capacity is carried.

(2) Where a trailer is attached to the vehicle, the load shall be the loads of the vehicle and trailer combined.

London Area

34. *London Area means the localities named below, and these localities are, unless the context otherwise requires, those defined for local government purposes as at 1st August 1964.*

Locality	Local Authority	Locality	Local Authority
City of London		Rainham (see Hornchurch UD)...	Parish
Dartford ... ..	Borough	Romford ... ..	Borough
Dartford—Only Parish of Stone ...	Rural District	Stone (see Dartford RD) ...	Parish
Gravesend ... ..	Borough	Swanscombe ... ..	Urban District
Hornchurch—Only Parishes of Rainham, Wennington, and such other parts as are within 2 miles, in a straight line, of the north bank of the River Thames	Urban District	Thurrock—Only that part which is within 2 miles, in a straight line, of the north bank of the River Thames, except those parts which were, prior to 1st April 1936, known as the Parishes of Corringham, Fobbing, Mucking, Stanford-le-Hope, in the Rural District of Orsett ... ..	Urban District
Metropolitan Police District—Except that part of the Borough of Watford which is included therein, and except the UD of Bushey ... ..	—		Urban District
Northfleet ... ..	Urban District	Wennington (see Hornchurch UD)	Parish

Note: In case of doubt as to the grading applicable to a particular depot, an enquiry should be addressed to the Clerk of the appropriate Local Authority as to the title of the Local Government administrative area, as it existed on 1st August 1964, in which the depot is situated.

**Overtime expressions**

35. The expressions **time-and-a-quarter**, **time-and-a-half** and **double time** mean respectively one and a quarter times, one and a half times and twice the rate of wages otherwise applicable.

**Vehicle**

36. **Vehicle** means a mechanically driven goods vehicle.

**Regular worker.**

37. A **regular worker** is a worker employed by the week or longer period.

**Driver.**

38. A **driver** is a worker employed in driving a vehicle and in performing when so required any other road haulage work.

**Foremen and removal packers in the Furniture Warehousing and Removing Industry**

39.—(1) A **foreman in the Furniture Warehousing and Removing Industry** is a worker who has charge of a removal and who has authority to issue instructions to two or more persons.

(2) A **removal packer in the Furniture Warehousing and Removing Industry** is a skilled worker who packs china and other articles.

**Heavy brakesman and steersman**

40. A **heavy brakesman and steersman** is a person operating the steering and braking equipment of a heavy trailer used for the carriage of abnormal indivisible loads.

**Film transport worker**

41. A **film transport worker** is a worker engaged exclusively in the collection and delivery of films for the cinematograph industry:

Provided that a worker shall not cease to be a film transport worker solely by reason of the fact that he collects from and delivers to cinemas cinematograph accessories and equipment which are carried at the same time as the films are normally carried.

**Milk worker**

42. A **milk worker** is a regular worker who is employed on 6 days a week and who is exclusively engaged in the collection of milk from farms and its delivery to dairies:

Provided that a worker shall not cease to be a milk worker solely by reason of the fact that, exceptionally, he is required to work on the duties specified above on the remaining day of the week.

**Ordinary working hours**

43. The expression "**number of hours (excluding overtime) ordinarily worked by the worker on that day of the week**" means—

(1) in the case of a regular worker other than a milk worker :—

(a) in respect of a six-day worker (subject to the provisions of paragraph 24), 7½ hours on any day Monday to Thursday, 8 hours on Friday and 4 hours on Saturday:

Provided that 7½ hours may be substituted for 8 hours on Friday and 8 hours substituted for 7½ hours on one other day from Monday to Thursday.

(b) in respect of a five-day worker, 8½ hours on any day Monday to Thursday and 8 hours on Friday:

Provided that 8½ hours may be substituted for 8 hours on Friday if 8 hours is substituted for 8½ hours on one other day from Monday to Thursday.

(2) in the case of a milk worker, 7 hours.



## PART VII

## WORKERS TO WHOM THIS SCHEDULE APPLIES

44. Subject to the provisions of this paragraph and to the provisions of paragraph 47 hereof, this Schedule applies to road haulage workers in respect of road haulage work performed in connection with any motor goods vehicle (including a trailer) specified or deemed to be specified in an "A" licence or a "B" licence granted under the Road Traffic Act 1960(a):

Provided that the remuneration specified in this Schedule shall not apply to the following classes of road haulage work, namely, the employment of contractors' men on vehicles hired on a 24-hour stand-by basis by or on behalf of the Secretary of State for Defence in connection with manoeuvres, exercises, training or active service.

45. A person is a road haulage worker and is deemed to be employed on road haulage work if he is employed on all or any of the work described in (1) to (5) below or if his time is occupied as specified in (6) to (9) below, that is to say:—

- (1) driving or assisting in the driving or control of the vehicle ;
- (2) collecting or loading goods to be carried in or on the vehicle ;
- (3) attending to goods while so carried ;
- (4) unloading or delivering goods after being so carried ;
- (5) acting as attendant to the vehicle ;

and who is required to travel on or to accompany the vehicle for the purpose of doing any such work ;

- (6) in doing any work incidental to his employment in work mentioned in sub-paragraphs (1) to (5) hereof ;
- (7) in travelling in or on or accompanying a goods vehicle in connection with his employment in the work so mentioned ;
- (8) in holding himself under the orders or at the disposal of his employer while waiting in connection with his employment in the work so mentioned ;
- (9) in waiting (whether overnight or otherwise) in accordance with the instructions of his employer as a necessary consequence of his employment in any of the work so mentioned :

Provided that a person employed in loading goods to be carried in or on a goods vehicle or in unloading goods after being so carried and required to travel on or to accompany the vehicle partly for that purpose, shall not be deemed to be a road haulage worker by reason only of that employment, if the main purpose for which he is required to travel on or to accompany the vehicle is that of executing work other than road haulage work after its arrival at his destination.

46. For the purposes of this Schedule road haulage work includes road haulage work performed by a road haulage worker employed by a person carrying on the business of a goods transport clearing house, i.e., the business of arranging for the mechanical transport of goods by road.
47. This Schedule does not apply to workers:—
- (1) for whom or in respect of whose work a minimum rate of wages is, for the time being, fixed by or under any other enactment ; or
  - (2) for whom minimum remuneration has been fixed pursuant to proposals of any other Wages Council established under the Wages Councils Act 1959.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 23rd November 1964, sets out the statutory minimum remuneration payable and the holidays to be allowed in substitution for the statutory minimum remuneration and holidays set out in the Wages Regulation (Road Haulage) Order 1964 (Order R.H. (78)), which is revoked.

New provisions are printed in italics.

1964 No. 1718

## EXCHANGE CONTROL

## The Exchange Control (Scheduled Territories) Order 1964

<i>Made</i> - - - -	27th October 1964
<i>Laid before Parliament</i>	4th November 1964
<i>Coming into Operation</i>	5th November 1964

The Treasury, in exercise of the powers conferred upon them by sections 1(3)(b) and 36(5) of the Exchange Control Act 1947(a), hereby make the following Order:—

1. Schedule 1 to the Exchange Control Act 1947 (as amended by the Orders hereby revoked) shall be further amended to read as set out in Schedule 1 to this Order.

2. The Orders specified in Schedule 2 to this Order are hereby revoked.

3. This Order shall extend to the Channel Islands, and any reference in this Order to the Exchange Control Act 1947 includes a reference to that Act as extended by the Exchange Control (Channel Islands) Order 1947(b).

4. The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

5. This Order may be cited as the Exchange Control (Scheduled Territories) Order 1964 and shall come into operation on the 5th November 1964.

27th October 1964.

*Harriet Slater,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

## SCHEDULE 1

## SCHEDULED TERRITORIES

1. The United Kingdom, the Channel Islands and the Isle of Man.
2. Australia, the Commonwealth of.
3. Burma.
4. Ceylon.
5. Cyprus, the Republic of.
6. Ghana.
7. Iceland.

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(a) 10 & 11 Geo. 6. c. 14.

(b) S.R. & O. 1947/2034 (Rev. VI, p. 1001: 1947 I, p. 660).  
(c) 52 & 53 Vict. c. 63.

8. India (including Sikkim).
9. Ireland, the Republic of.
10. Jamaica.
11. Jordan, the Hashemite Kingdom of.
12. Kenya.
13. Kuwait, the State of.
14. Libya, the United Kingdom of.
15. Malawi.
16. Malaysia, the Federation of.
17. Malta.
18. New Zealand.
19. Nigeria.
20. Pakistan.
21. Sierra Leone.
22. South Africa, the Republic of, and the territory of South West Africa.
23. Tanganyika and Zanzibar, the United Republic of.
24. Trinidad and Tobago.
25. Uganda.
26. Western Samoa.
27. Zambia.
28. Any part of Her Majesty's dominions not mentioned in any of the foregoing paragraphs, except Canada.
29. Any protectorate, protected state or trust territory within the meaning of the British Nationality Acts 1948 and 1958.

## SCHEDULE 2

## ORDERS REVOKED

The Exchange Control (Scheduled Territories) Order 1963.	S.I. 1963/1529 (1963 III, p. 2873).
The Exchange Control (Scheduled Territories) (Amendment) Order 1963.	S.I. 1963/1964 (1963 III, p. 3830).
The Exchange Control (Scheduled Territories) (Amendment) (No. 2) Order 1963.	S.I. 1963/2122 (1963 III, p. 4721).
The Exchange Control (Scheduled Territories) (Amendment) Order 1964.	S.I. 1964/1138 (1964 II, p. 2546).

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends, by the inclusion by name of territories previously included by definition, and consolidates the list of scheduled territories in the First Schedule of the Exchange Control Act 1947.

## 1964 No. 1719

## PENSIONS

**The Superannuation (Transfers between the Civil Service and Public Boards) (Amendment) (No. 2) Rules 1964***Made* - - - - 27th October 1964*Laid before Parliament* 3rd November 1964*Coming into Operation* 4th November 1964

The Treasury, in exercise of the powers conferred upon them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a), and of all other powers enabling them in that behalf, hereby make the following Rules:—

1. The Superannuation (Transfer between the Civil Service and Public Boards) Rules 1950(b) (hereafter in these Rules referred to as "the principal Rules"), as amended(c), shall have effect as if the following bodies were added to the Schedule thereto, that is to say:—

- The Agricultural Research Council.
- The National Institute of Agricultural Botany.
- The Edinburgh and East of Scotland College of Agriculture.
- The West of Scotland Agricultural College.
- The North of Scotland College of Agriculture.
- The Hill Farming Research Organisation.
- The Hannah Dairy Research Institute.
- The Macaulay Institute for Soil Research.
- The Rowett Research Institute.
- The Animal Diseases Research Association.
- The Scottish Horticultural Research Institute.
- The Scottish Society for Research in Plant Breeding.
- The National Institute of Agricultural Engineering (Scottish Station).
- The Iron and Steel Board.

2. In their application to any person who becomes employed as a civil servant after ceasing to be in the pensionable employment of one of the bodies mentioned in the last preceding Rule the principal Rules shall have effect as if:—

- (a) the references to the date of the making of the principal Rules in Rule 3(1)(d) and (e) thereof were references to the date of the making of these Rules; and
- (b) the references to the coming into operation of the principal Rules in Rule 3(2) thereof were references to the coming into operation of these Rules.

(a) 11 &amp; 12 Geo. 6. c. 33.

(b) S.I. 1950/1539 (1950 II, p. 291).

(c) There are no relevant amending Instruments.

3. In their application to any person who enters the pensionable employment of one of the bodies mentioned in Rule 1 of these Rules after ceasing to be employed as a civil servant the principal Rules shall have effect as if:—

- (a) the references to the date of the making of the principal Rules in Rule 7(1)(e) thereof were references to the date of the making of these Rules ;  
and
- (b) the references to the coming into operation of the principal Rules in Rule 7(2) thereof were references to the coming into operation of these Rules.

4. The Interpretation Act 1889(a) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

5. These Rules may be cited as the Superannuation (Transfers between the Civil Service and Public Boards) (Amendment) (No. 2) Rules 1964 and shall come into operation on 4th November 1964.

*Harriet Slater,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

27th October 1964.

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### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules add the Agricultural Research Council, the National Institute of Agricultural Botany, certain Scottish Agricultural Research Institutes and Colleges and the Iron and Steel Board to the Schedule to the Superannuation (Transfers between the Civil Service and Public Boards) Rules 1950. The principal Rules provide for the aggregation of service and for a single superannuation award in cases where a person transfers from pensionable service with one of the bodies specified to an established post in the Civil Service or vice versa.

Under the powers of section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948, the Rules apply, subject to certain conditions, to persons who have transferred from one employment to the other before the coming into operation of the Rules.

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(a) 52 & 53 Vict. c. 63.

## 1964 No. 1720

## PENSIONS

**The Superannuation (Anti-Locust Research Centre and  
Civil Service) Transfer Rules 1964**

<i>Made - - - -</i>	<i>27th October 1964</i>
<i>Laid before Parliament</i>	<i>3rd November 1964</i>
<i>Coming into Operation</i>	<i>4th November 1964</i>

The Treasury, in exercise of the powers conferred upon them by section 2 of the Superannuation Act 1957<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following Rules:—

1.—(1) Where a person was on the 1st April 1961 taken into the civil service of the State as an officer of the Colonial Office after having been employed by the Anti-Locust Research Centre, and his employment was, in the opinion of the Treasury, of the same nature and for the same purpose as his employment in the service of the State, his service in the employment of the Anti-Locust Research Centre before the 1st April 1961 may be reckoned for the purposes of the Superannuation Acts as employment in an unestablished capacity within the meaning of section 3 of the Superannuation Act 1935<sup>(b)</sup>.

(2) Where a person to whom the foregoing paragraph applies was, before he was taken into the service of the State, a participant in a pension scheme under which contributions were paid in respect of him by the Anti-Locust Research Centre and under that scheme he has been granted or is eligible for any benefit other than a return (whether with or without interest) of the contributions made by him, it shall be a condition of the making of any payment under the Superannuation Acts in respect of his service, so far as the amount of that payment is dependent on the provisions of the foregoing paragraph, that there has been paid to the Treasury within three months of the coming into operation of these Rules, or within such longer period as the Treasury may allow in any particular case, a sum equal to the aggregate amount of the contributions paid in respect of him by the Anti-Locust Research Centre, together with compound interest thereon calculated from the date on which each such contribution became payable at the rate of 3 per cent. per annum with yearly rests.

(3) These Rules shall not have effect so as to authorise an increase in an annual superannuation allowance or pension so far as the allowance or pension is payable in respect of a period before the coming into operation of these Rules.

2.—(1) In these Rules “the Superannuation Acts” means the Superannuation Acts 1834 to 1960.

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(a) 5 & 6 Eliz. 2. c. 37.

(b) 25 & 26 Geo. 5. c. 23.

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(2) The Interpretation Act 1889(a) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. These Rules may be cited as the Superannuation (Anti-Locust Research Centre and Civil Service) Transfer Rules 1964 and shall come into operation on 4th November 1964.

*Harriet Slater,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

27th October 1964.

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#### EXPLANATORY NOTE

*(This note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules provide for service (after the age of 18) in the Anti-Locust Research Centre of certain employees who, on 1st April 1961, were taken into the Civil Service to be reckoned on certain conditions as unestablished civil service for the purposes of the Superannuation Acts.

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(a) 52 & 53 Vict. c. 63.



**1964 No. 1721**

**PURCHASE TAX**

**The Purchase Tax (No. 2) Order 1964**

<i>Made - - - -</i>	<i>27th October 1964</i>
<i>To be laid before the House of Commons</i>	<i>3rd November 1964</i>
<i>Coming into Operation</i>	<i>5th November 1964</i>

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by section 2(3) of the Purchase Tax Act 1963(a), and of all other powers enabling them in that behalf, hereby make the following Order:—

1. Drugs and medicines, manufactured or prepared (except toilet preparations) of any of the classes specified in the Schedule to this Order shall not be included in any class of goods which are chargeable goods within the meaning of the Purchase Tax Act 1963.

2.—(1) In Group 33 of Part I of Schedule 1 to the Purchase Tax Act 1963, in paragraph (2) of the heading "Exempt", for the reference to the Purchase Tax (No. 2) Order 1963(b) there shall be substituted a reference to this Order.

(2) The Purchase Tax (No. 2) Order 1963 is hereby revoked.

3.—(1) This Order may be cited as the Purchase Tax (No. 2) Order 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 5th November 1964.

*Harriet Slater,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

27th October 1964.

## SCHEDULE

## HEAD I

Acetarsol, salts thereof and preparations containing not less than 6 per cent. by weight of acetarsol or the equivalent thereof.

Aerosol sprays prepared for application to the skin as a counter-irritant and analgesic, whose active ingredients consist solely of one or more chlorofluoro-hydrocarbons.

Bromethol.

Chlorhexidine, and salts thereof, and solutions, creams and pessaries which contain not less than 1 per cent. of any one of those substances as sole active ingredient and are prepared for veterinary use or for use in obstetrics.

Cyclopropane.

N-(Diethoxyphosphinyloxy) naphthalimide.

Ethyl chloride (whether perfumed or not).

Halothane.

Hexachlorophane solutions in oil prepared solely for internal administration for veterinary purposes which contain not less than 5 per cent. (by weight) of hexachlorophane as the sole active ingredient.

Hypertonic solutions, sterilised and pyrogen-free, designed solely for peritoneal dialysis.

Iodised oil.

Niclosamide.

Nitrous oxide.

Oxygen.

Penicillinases.

Vaporising fluids containing not less than 85 per cent. by volume of cresols, for use, undiluted, as inhalants.

Any one of the following substances, prepared for use by injection :—

Antihæmophilic globulin of human or animal origin ;

Aqueous solutions of amino acids with vitamins and mineral salts, whether with or without one or more of the following substances, that is to say, sorbitol, casein hydrolysate, glucose and ethanol ;

Aqueous solutions of dextrose, sodium acetate and the chlorides of calcium, magnesium, potassium and sodium, whether containing a preservative or not, prepared solely for veterinary purposes ;

Aqueous solutions of glucose, of sodium chloride, or glucose with sodium chloride, whether with or without salts of calcium and whether containing a preservative or not ;

Bismuth, and compounds thereof ;

Calcium gluconate ;

Calcium glucono-galacto-gluconate ;

Compounds of iron ;

Mercury, and salts thereof ;

Organic compounds of copper, whether containing an analgesic or not ;

Plasma substitutes ;

Protein desensitising solutions ;

Protein hydrolysates, whether or not containing one or more of the following, that is to say, ethanol, sugars and flavouring agents ;

Urea.

Any one of the following substances prepared for use in dental surgery :—

Diamminsilver nitrate ;

Germicidal cements and fillings ;

Lignocaine, and salts thereof, with cetrimide.

## HEAD II

Any one of the substances and preparations described under this head with or without one or more of the following things, namely, an excipient, vehicle, base or preservative :—

- Acetazolamide, and salts thereof ;
- Acetohexamide ;
- Acinitrazole ;
- Activated magnesium aluminium silicates with pectin, whether or not mixed with neomycin sulphate ;
- Activated magnesium aluminium silicates with streptomycin sulphate, whether or not mixed with phthalylsulphathiazole and sulphadiazine ;
- Allylisopropylacetylurea ;
- Aloxiprin ;
- Aluminium dimagnesium trisilicate, whether or not mixed with hyoscyamine, hyoscine, apoa tropine and belladonnine ;
- Aluminium glycinate, whether or not mixed with either or both of the following substances, that is to say, magnesium carbonate and magnesium trisilicate ;
- Aluminium hydroxide ;
- Aluminium phosphate ;
- Aluminium sodium silicate mixed with an extract of belladonna, whether or not also mixed with amylobarbitone and ascorbic acid ;
- Amino acids obtained by the hydrolysis of proteins or such acids prepared synthetically, and combinations of two or more of those acids ;
- Aminometradine ;
- Aminonitrothiazole ;
- Amiphenazole, and salts thereof ;
- Amisometradine ;
- Arecoline hydrobromide ;
- Ascaridole ;
- Atropine sulphate, mixed with hyoscyne hydrobromide, hyoscyamine sulphate, kaolin, pectin and phenobarbitone ;
- Batyl alcohol ;
- Benzhexol, and salts thereof ;
- Benzonatate ;
- Bephenium embonate, bephenium hydroxynaphthoate and mixtures of these substances ;
- Biperiden hydrochloride ;
- Bisacodyl ;
- NN'*-Bis[1-methyl-3-(2 : 2 : 6-trimethylcyclohexyl)propyl]-*NN'*-bis(dimethyl)-1 : 6-hexanediammonium salts, whether or not mixed with hydrocortisone ;
- Bothrops jararaca venom, prepared for use as a haemostatic ;
- Bromvaletone ;
- Buphenine hydrochloride ;
- Busulphan ;
- Butyl aminobenzoate combined with dibromopropamidine embonate and chlorphenocitium amsonate ;
- 4-*tert*-Butyl-2-chlorophenyl methyl methylphosphoramidate ;
- n*-Butyl *N*-phenyldithiocarbamate ;
- Calcium borogluconate, whether or not mixed with one or more of the following substances, that is to say, dextrose, salts of calcium and salts of magnesium ;
- Captodiame, and its hydrochloride ;
- Carbarsone, and salts thereof, prepared for veterinary use ;
- Cetyldimethylbenzylammonium chloride mixed with amethocaine hydrochloride ;
- Cetylpyridinium chloride combined with either or both of the following substances, that is to say, sodium propionate and benzocaine ;
- Chiniofon ;
- Chlophedianol hydrochloride ;
- The molecular compound of chloral hydrate with paracetamol ;
- Chlorambucil ;

Chlorine substituted 8-hydroxyquinoline, whether or not mixed with one or more of the following substances, that is to say, benzoyl peroxide, coal tar, eugenol, menthol, methyl salicylate and triamcinolone acetoneide ;  
2-*o*-Chlorobenzyl-thio-4-dimethylamino-5-methylpyrimidine hydrochloride ;  
Chlorotrianisene ;  
Chlorphenesin, whether or not mixed with one or more of the following substances, that is to say, boric acid, hexachlorophane and zinc oxide ;  
Chlorpropamide ;  
Chlorquinaldol ;  
Chlorthenoxazin mixed with phenacetin ;  
Choline chloride ;  
Colchicum alkaloids, and salts thereof ;  
Cyclandelate ;  
Cyclocoumarol ;  
Cyclophosphamide ;  
Dehydrocholic acid, and its sodium salt ;  
Dequalinium salts, 1-alkyl-4-aminoquinaldinium salts, and mixtures of these substances, whether or not mixed with benzocaine ;  
Dextromoramide ;  
3:3'-Diamidinocarbamilide, and salts thereof ;  
Di-(2-aminoethyl)disulphide, and salts thereof ;  
Diamthazole dihydrochloride ;  
2:4-Dichlorobenzyl alcohol with amyl-*m*-cresol ;  
Dichlorophen ;  
Di-(2-chloropropyl)-2-naphthylamine with urethane ;  
Dichlorphenamide ;  
Dicoumarol ;  
The diethylamide of 3:5-dimethylisooxazol-4-carboxylic acid ;  
2-(2-Diethylaminoethoxy)ethyl 1-phenylcyclopentane-1-carboxylate citrate, whether or not mixed with menthol ;  
Diethylcarbamazine, and salts thereof ;  
Dihydroxyaluminium sodium carbonate, whether or not mixed with calcium carbonate and polyhydroxyaluminium sodium carbonate complexes, whether or not mixed with one of the following substances, that is to say, calcium carbonate and magnesium trisilicate ;  
(3:5-Di-iodo-4-hydroxy)phenyl- $\alpha$ -aminopropionic acid ;  
Dimercaprol ;  
2:3-Dimethyl-4-nicotinamido-1-phenylpyrazol-5-one ;  
*NN*-Dimethyl-*N*-2-phenoxyethyl-*N*-2'-thenylammonium closylate, whether or not mixed with piperazine phosphate ;  
*OO*-Dimethyl *O*-2:4:5-trichlorophenyl phosphorothioate ;  
Diphenylacetyl- $\beta$ -diethylaminoethanolester and hexahydro-diphenylacetyl- $\beta$ -diethylaminoethanolester, their salts, and any combination thereof with phenobarbitone ;  
Dithiazanine iodide ;  
Dithranol ;  
Ditophal ;  
Dydrogesterone ;  
Dyflor ;  
Edetic acid, and salts thereof ;  
Edrophonium salts ;  
Ethinamate ;  
Ethinyl oestradiol with formaldehyde-sulphathiazole, penicillin and streptomycin, prepared for veterinary use ;  
Ethyl biscoumacetate ;  
*N*-Ethyl-di-(3-phenylpropyl)amine, and salts thereof ;  
1-Ethyl-2-methyl-7-methoxytetrahydrophenanthrene-2-carboxylic acid ;  
Ethyl pyrophosphate ;  
Gentisic acid, and salts thereof ;  
Glyceryl trinitrate ;

Halethazole, and salts thereof ;  
Hexamine mixed with camphoric acid ;  
Hexazole ;  
Hormones and synthetic compounds with hormone activity, having the carbon ring systems of androstane, oestrone, oestr-5(10)-ene, or progesterone, and combinations of two or more of those substances, whether or not mixed with methimazole ;  
2-Hydroxy-4-methoxy-4'-methylbenzophenone ;  
Inproquone, and the 3:6-dimethoxyethoxy analogue ;  
Insulin and compounds thereof with one or more proteins or with zinc, or both with one or more proteins and with zinc ;  
Ion-exchange resins ;  
Isoxsuprine hydrochloride ;  
Liothyronine, and salts thereof ;  
Lucanthone, and salts thereof ;  
Mannomustine, and salts thereof ;  
Melfhalan ;  
Mepacrine, and salts thereof ;  
 $\beta$ -Mercaptoethylamine, and salts thereof ;  
Mercaptopurine ;  
Metformin ;  
Methallenoestril ;  
Methandienone ;  
Methanthelium bromide ;  
Methocarbamol mixed with acetylsalicylic acid ;  
4-(4-Methoxy-1-naphthyl)-4-oxobutyric acid, and salts thereof  
*N*-Methyl-*N*-( $\beta$ -picolyl)-tropamide, and salts thereof ;  
17 $\alpha$ -Methylandrost-5-en-3 $\beta$ :17 $\beta$ -diol ;  
Metronidazole ;  
Monosulfiram and disulfiram ;  
Mustine, and salts thereof ;  
Nicoumalone ;  
Oxeladin, and salts thereof, whether or not mixed with menthol ;  
Oxethazaine, whether or not mixed with aluminium hydroxide gel and magnesium hydroxide ;  
Oxymetazoline hydrochloride ;  
Oxyphenisatin diacetate ;  
Oxyphenonium bromide ;  
Paracetamol ;  
Penthienate methobromide ;  
Phanquone ;  
Phenamidine isethionate ;  
Phenformin ;  
Phenglutarimide, and salts thereof ;  
Phenindione ;  
Phenprocoumon ;  
Pipenzolate methobromide ;  
Potassium gluconate ;  
Procyclidine hydrochloride ;  
Quaternary cationic detergents with bactericidal activity and mixtures of two or more of such substances ;  
Quinuronium sulphate ;  
Russell's viper venom, prepared for use as a haemostatic ;  
Selenium sulphide ;  
Sodium antimonylgluconate ;  
Sodium phytate ;  
Sorbide nitrate ;  
Sorbitan monooleate polyoxyethylene derivative ;  
Stibophen ;

Stilboestrol, hexoestrol, dienoestrol, and esters of any of those substances, whether or not mixed with sulphatolamide ;  
 Stilboestrol with either streptomycin and polymyxin B or organo-mercury compounds, prepared for veterinary use ;  
 Suramin ;  
 2-(4-Thiazolyl)benzimidazole ;  
 Thiotepa ;  
 Thurfyl nicotinate ;  
 Thyroxine ;  
 L-Thyroxine sodium, whether or not mixed with liothyronine sodium ;  
 Tolbutamide ;  
 Tretamine ;  
 Triaziquone ;  
 Triclofos, and salts thereof ;  
 Trimetaphan (+)-camsylate ;  
 Trimustine, and salts thereof ;  
 Triphenylchloroethylene ;  
 Vinblastine sulphate ;  
 Warfarin sodium ;  
 Yellow bone marrow concentrate ;  
 The acid phosphate of the 3-diethylamino-2:2-dimethylpropanol ester of tropic acid ;  
 Compounds obtained by coupling *p*-aminobenzoyl histamine to despeciated horse serum globulin by means of the diazo reaction ;  
 Preparations obtained from bovine plasma containing the haemostatic enzyme known as thrombin ;  
 Preparations containing the haemostatic enzyme known as thrombokinase ;  
 Compounds whereof the sole constituents are procaine, or a salt thereof, and gliadin or amyloprolamin, whether with strychnine sulphate or not ;  
 The whole small intestine of the pig, cleansed, defatted, dried and powdered, and preparations derived from it.

### HEAD III

The substances described under this head, and preparations consisting only of one of those substances and one or more of the following things, namely, an excipient, vehicle, base or preservative, or of two or more of those substances whether with one or more of the following things, namely, an excipient, vehicle, base or preservative, or not:—

Acepromazine maleate ;  
*N*-(6-Acetoxythymyloxyethyl)dimethylamine hydrochloride, whether or not mixed with dried extract of belladonna root ;  
 Acetylcholine, methacholine, and salts thereof ;  
 Adrenaline, and salts thereof ;  
 Alkaloids of *Veratrum* species ;  
 Aminoacridine flavines, whether or not mixed with 8-hydroxyquinoline and gamma benzene hexachloride ;  
*p*-Aminobenzenesulphonamide, salts of *p*-aminobenzenesulphonamide, derivatives of *p*-aminobenzenesulphonamide having any of the hydrogen atoms of the *p*-amino group or of the sulphonamide group substituted by another radical, salts of such derivatives and suspensions of those substances with pectin and kaolin ;  
 2-Aminoheptane, and salts thereof ;  
 4-Aminomethylbenzenesulphonamide, and salts thereof ;  
 1-(4-Amino-2-*n*-propyl-5-pyrimidinylmethyl)-2-picolinium chloride, and salts thereof ;  
*p*-Aminosalicylic acid, and salts thereof, derivatives of *p*-aminosalicylic acid, and salts of such derivatives ;  
 Amitriptyline, and salts thereof ;  
 AmoDiaquine, and salts thereof ;

**Amphetamine, and salts thereof, derivatives of amphetamine, and salts of such derivatives ;**  
**Anileridine, and salts thereof ;**  
**Arsphenamine, derivatives of arsphenamine, and salts of such derivatives ;**  
**Atropine, and salts and derivatives thereof ;**  
**Azacyclonol hydrochloride ;**  
**Azapetine, and salts thereof ;**  
**Azathioprine ;**  
  
**Bamethan, and salts thereof ;**  
**Bamipine, and salts thereof ;**  
**Barbituric acid and thiobarbituric acid, derivatives and salts thereof, whether or not mixed with one or more of the following substances, that is to say, aluminium acetylsalicylate, amidopyrine, bromvaletone, phenacetin, phenyldimethylisopropylpyrazolone, and sodium dihydroxyaluminiumglycinate ;**  
**Beclamide ;**  
**Bemegride, and its sodium derivatives ;**  
**Benactyzine, and salts thereof ;**  
**Benzilonium bromide ;**  
**Benzocaine ;**  
**Benztropine, and salts thereof ;**  
**Benzyl benzoate, and preparations containing not less than 10 per cent. of benzyl benzoate ;**  
**1-Benzyl-3-(dimethylcarbamoyloxy)pyridinium bromide ;**  
**Betaine, and salts thereof, whether or not combined with pepsin ;**  
**Bethanidine sulphate ;**  
**Bismuth glycolylarsanilate ;**  
**Bismuth tryparsamide ;**  
**Bretylum salts ;**  
**4'-*n*-Butoxyphenyl 3-morpholinopropyl ether hydrochloride ;**  
**4'-Butoxy-3-piperidinopropiophenone, and salts thereof ;**  
***n*-Butylaminoacet-6-chloro-2-methylanilide, and salts thereof ;**  
**Butyl aminobenzoate, and salts thereof ;**  
  
**Caffeine, caffeine citrate, caffeine and sodium benzoate, caffeine and sodium iodide, and caffeine and sodium salicylate ;**  
**Caramiphen, and salts thereof ;**  
**Carbachol ;**  
**Carbamoyl- $\beta$ -methylcholine chloride ;**  
**Carbimazole ;**  
**4'-Carboxyphenylmethane sulphonanilide ;**  
**Carisoprodol ;**  
**Chloral betaine ;**  
**Chlorcyclizine hydrochloride and cyclizine hydrochloride ;**  
**Chlordiazepoxide, and salts thereof, whether or not mixed with clidinium bromide ;**  
**Chloroform (anaesthetic) ;**  
**2-Chloro-4-nitrobenzamide ;**  
**Chloroquine, and salts thereof ;**  
**Chlorothiazide and other derivatives of 7-sulphamoylbenzo-1:2:4-thiadiazine 1:1-dioxide, whether or not mixed with potassium salts ;**  
**Chlorphentermine, and salts thereof ;**  
**Chlorproguanil, and salts thereof ;**  
**Chlorpromazine, and salts thereof ;**  
**Chlorprothixene, and salts thereof ;**  
**Chlorthalidone ;**  
**Chorionic gonadotrophin and serum gonadotrophin ;**  
**Cinchocaine, and salts thereof ;**  
**Cinchona alkaloids, and salts thereof ;**  
**Clofibrate, whether or not mixed with androsterone ;**  
**Cocaine, and salts thereof ;**

- Cortisone and analogous steroid hormones and esters thereof, whether or not mixed with one or more of the following substances, that is to say, chlorhexidine, and salts thereof, acetylsalicylic acid, aluminium hydroxide, dequalinium chloride, domiphen bromide, gamma benzene hexachloride, hexachlorophane and magnesium trisilicate ;
- Cropropamide mixed with crotethamide ;
- Crotamiton ;
- Cyanacethyrazide, whether or not combined with piperazine, prepared for veterinary use ;
- Cyclopentamine hydrochloride, whether or not mixed with pyrrobutamine ;
- Cyclopentolate, and salts thereof ;
- Dapsone, and derivatives thereof ;
- Dehydroemetine, and salts thereof ;
- Demecarium bromide ;
- Desferrioxamine, and salts thereof ;
- Desipramine ;
- Dextromethorphan, and salts thereof, whether or not mixed with one or more of the following substances, that is to say, ammonium chloride, extract of ipecacuanha, menthol and syrup of tolu ;
- Dextropropoxyphene, and salts thereof, whether or not mixed with one or more of the following substances, that is to say, acetylsalicylic acid, paracetamol and phenacetin ;
- N*-(Dialkylaminoalkyl)phenothiazine, and salts thereof ;
- 2:4-Diamino-5-(3:4-dimethoxybenzyl)pyrimidine, whether or not mixed with sulphadoxaline ;
- pp'*-Diaminophenylpyridylsulphone, and derivatives thereof ;
- Diazepam, and salts thereof ;
- Dichloralphenazone ;
- Di-2-chloroethyl 3-chloro-4-methylcoumarin-7-yl phosphate ;
- Dicyclimine hydrochloride ;
- 2-Diethylaminoethyl-4-amino-1-naphthoate, and salts thereof ;
- Diethylaminoethyltheophylline camsylate ;
- 3:3-Diethyl-2:4-diketotetrahydropyridine ;
- Diethylpropion hydrochloride ;
- Diethylthiambutene hydrochloride ;
- Dihydrocodeine, and salts thereof, whether or not mixed with one or more of the following substances, that is to say, ammonium salicylate and liquid extract of thyme ;
- Dihydrocodeinone, and salts thereof ;
- 3:4-Dihydroxy-1-( $\alpha$ -hydroxy- $\beta$ -aminopropyl)benzene hydrochloride ;
- Diloxanide, and its furoic acid ester ;
- Di-iodohydroxyquinoline, whether or not mixed with boric acid, dextrose or lactose ;
- Dimethisoquin hydrochloride ;
- Dimethoxanate, and salts thereof ;
- 6:7-Dimethoxy-1-(3:4:5-triethoxyphenyl)isoquinoline ;
- N*-( $\alpha$ -Dimethylaminopropionyl)phenothiazine methobromide ;
- 1:2-Dimethyl-5-nitroimidazole ;
- 2:3-Dimethyl-1-phenylpyrazol-5-on-4-yl-*N*-methylaminomethane sulphonic acid sodium salt ;
- Dimethyl 2:2:2-trichlorohydroxyethylphosphonate ;
- 4:4'-Dinitrocarbanilide and 2-hydroxy-4:6-dimethylpyrimidine molecular complex ;
- 3:5-Dinitro-*o*-toluamide ;
- Diphepanil methylsulphate ;
- Diphenoxylate hydrochloride mixed with atropine sulphate ;
- Dipipanone hydrochloride ;
- Diprophylline ;
- Disulphamide, whether or not mixed with potassium salts ;
- Ecothiopate iodide ;
- Emetine and bismuth iodide ;



Emetine, and salts thereof ;  
 Emylcamate ;  
 Ephedrine, and salts thereof ;  
 Ergot, and alkaloids thereof, derivatives of such alkaloids, and salts of such alkaloids or of their derivatives ;  
 Esters of amino alcohols with benzoic acid (whether substituted or not), and salts thereof, whether or not combined with benzyl alcohol ;  
 Ethamsylate ;  
 Ethchlorvynol ;  
 Ethebenedid ;  
 Ethenyl-*p*-diethoxydiphenylamidine hydrochloride ;  
 Ethers for general inhalation anaesthesia, and mixtures thereof ;  
 Ethionamide ;  
 Ethoheptazine citrate, whether or not mixed with acetylsalicylic acid or paracetamol ;  
 Ethosalamide, whether or not mixed with phenacetin ;  
 Ethosuximide ;  
 Ethylenediamine dihydroiodide ;  
*N*-Ethyl-*N'*-(5-nitro-2-thiazolyl)urea ;  
 Ethyleneglycol monophenylether ;  
  
 Ferrous fumarate anhydrous ;  
 Ferrous succinate ;  
 Fluopromazine, and salts thereof ;  
 Fluorouracil ;  
 Fluphenazine, and salts thereof ;  
 Folic acid or derivatives thereof, whether or not combined with a salt of iron ;  
 Forminitrazole ;  
 Furazolidone, and its 5-morpholinomethyl derivative ;  
  
 Ganglionic or neuromuscular blocking agents and their antidotes containing at least two quaternary ammonium groups terminal to a polymethylene chain or chains ;  
 Preparations of the following glands: parathyroid, thyroid, pituitary, suprarenal, ovary, testis, spleen, corpus luteum, prostate, pancreas ;  
 Glutethimide ;  
 Glycopyrronium bromide ;  
 The glycoside formed by the combination of 5:7:3':4'-tetrahydroxy-flavanol with glucose and rhamnose ;  
 Glycosides of digitalis ;  
 Gold, and salts and compounds thereof ;  
 Guanethidine sulphate ;  
  
 Haloperidol ;  
 Hexachloroethane ;  
 Hexetidine ;  
 Hexocyclium methylsulphate ;  
 Homatropine, and salts thereof ;  
 Homatropine methobromide suitably prepared for sustained action by controlled release ;  
 Hormones produced from the anterior lobe of the pituitary gland ;  
 Hydantoin derivatives, and salts thereof ;  
 Hydrallazine, and salts thereof ; dihydrallazine, and salts thereof ;  
 Hydromorphone, and salts thereof ;  
 Hydroxychloroquine sulphate ;  
 Hydroxydione sodium succinate ;  
 4-Hydroxy-3-nitrophenylarsonic acid ;  
 1-(4-Hydroxyphenyl)-2-methylaminoethanol, and salts thereof ;  
 Hydroxyzine, and salts thereof, whether or not mixed with menthol ;  
 Hyoscine, and salts thereof, quaternary derivatives of hyoscine, and salts of such derivatives ;  
 Hyoscyamine, and salts thereof ;

Idoxuridine ;  
Iminazole-4:5-dicarboxamide ;  
Imipramine, and salts thereof ;  
*meso*-Inositol hexanicotinate ;  
The intrinsic factor derived from the gastro-intestinal tract of animals ;  
Iodochlorhydroxyquinoline ;  
Iron complexed with one or more of the amino acids obtained by the hydrolysis of proteins or such acids prepared synthetically ;  
Isocarboxazid, and salts thereof ;  
Isoniazid, and salts thereof, derivatives of isoniazid, and salts of such derivatives ;  
Isopropamide iodide ;

**Khellin ;**

Lachesine salts ;  
Leptazol ;  
Levallorphan, and salts thereof ;  
Lignocaine, and salts thereof, whether or not mixed with cetyl pyridinium chloride, eucalyptol and menthol ;  
Liver extracts and active principles of liver, whether or not combined with one or more of the following substances, that is to say, yeast, yeast concentrates, compounds of iron and salts of manganese or of copper ;  
Lobeline, and salts thereof ;  
(+)-Lysergic acid diethylamide tartrate ;  
Lysine-vasopressin ;

Mecamylamine hydrochloride ;  
Mephesisin, whether or not mixed with paracetamol ; mephesisin carbamate ;  
Mephentermine, and salts thereof ;  
Meprobamate, whether or not mixed with acetylsalicylic acid or with tridihexethyl chloride ;  
Mepyramine, and salts thereof, mixed with paracetamol ;  
Metaraminol, and salts thereof ;  
Methadone, and salts thereof ;  
Methaqualone, and salts thereof ;  
Methdilazine, and salts thereof ;  
Methimazole ;  
Methocarbamol ;  
Methorphan, and salts thereof ;  
Methoserpidine ;  
Methotrimeprazine, and salts thereof ;  
Methoxamine hydrochloride ;  
2- $\beta$ -Methoxyethylpyridine ;  
Methoxyphenamine hydrochloride, with or without sodium citrate ;  
Methyldopa, and salts of the ethyl ester of methyldopa ;  
*l*-*N*-Methylephedrine, and salts thereof ;  
*N*-Methyl-5-methylazadecylamine methobromide, in a polymerised form ;  
Methylpentynol ; methylpentynol carbamate ;  
Methyl phenidate hydrochloride ;  
*N*-Methylpipecolin-2:6-xylylide hydrochloride ;  
Methyprylone ;  
Metyrapone ;  
Morphine, esters of morphine, ethers of morphine, and salts of any of those substances ;

Nalidixic acid ;  
Nalorphine, and salts thereof ;  
Naphazoline, and salts thereof ;  
 $\beta$ -Naphthoxyethanol ;  
Neostigmine salts and neostigmine alkyl salts ;  
Nicotiny alcohol, and salts thereof ;

Nikethamide, whether or not combined with either or both of the following substances, that is to say, adenosine and calcium thiocyanate ;

Nitrofurazone ;

Noradrenaline, and salts thereof ;

Noscapine, and salts thereof, whether or not mixed with paracetamol and terpin hydrate ;

Orciprenaline, and salts thereof ;

Organo-mercury compounds ;

Orthocaine ;

Oxophenarsine, and salts thereof ;

Oxyethylated *tert*-octylphenolformaldehyde, and mixtures thereof with both sodium bicarbonate and glycerin ;

Oxymorphone hydrochloride ;

Oxyphenbutazone ;

Oxytocin ;

Pamaquin ;

Papaveretum ;

Papaverine, and salts thereof ;

Pecazine, and salts thereof ;

Pempidine, and salts thereof ;

Penicillin, being any antimicrobial acid which—

(a) may be shown on chemical and physical examination to contain in its structure a fused thiazolidine  $\beta$ -lactam nucleus ; or

(b) loses its antimicrobial activity on hydrolysis by the penicillinases which destroy the antimicrobial activity of the substance known as "International Standard penicillin", and accordingly may, without chemical and physical examination be presumed to contain in its structure such a nucleus as aforesaid ;

and including any salt or derivative obtained from any such acid, and any solution containing any such acid or salt or derivative ;

Pentaerythritol tetranitrate, whether or not mixed with glyceryl trinitrate ;

Pentrichloral ;

Pentose nucleotide, and salts thereof ;

Perphenazine, and salts thereof ;

Pethidine hydrochloride ;

Phenacemide ;

Phenactropinium salts ;

Phenadoxone, and salts thereof ;

Phenazocine, and salts thereof ;

Phenbutrazate hydrochloride mixed with phenmetrazine theoclate ;

Phencyclidine hydrochloride ;

Phenelzine, and salts thereof ;

Phenmetrazine hydrochloride ;

Pheniprazine, and salts thereof ;

Phenothiazine and mixtures thereof with one or more of the following substances, that is to say, hexachlorophane, lead arsenate, organo-phosphorus compounds, 2-phenylbenzimidazole, and the sulphates of cobalt, of copper, of iron and of manganese ;

Phenoxybenzamine hydrochloride ;

Phensuximide ;

Phentolamine, and salts thereof ;

Phenylbutazone ;

Phenylephrine hydrochloride ;

Pholedrine, and salts thereof ;

Physostigmine, and salts thereof ;

Pilocarpine, and salts thereof ;

Pipamazine, and salts thereof ;

Pipazethate, and salts thereof ;

Piperazine adipate and piperazine citrate ;

Piperazine, and salts thereof, prepared for anthelmintic use ;  
Piperazine-1-carbodithioic betaine ;  
Pipradrol hydrochloride ;  
Pivazide hydrochloride ;  
Poldine methosulphate ;  
Polypeptides of 8 to 10 amino acid residues with pressor action ;  
Prilocaine ;  
Primaquine, and salts thereof ;  
Primidone ;  
Probenecid ;  
Procainamide ;  
Prochlorperazine, and salts thereof ;  
Proguanil, and salts thereof ;  
Pronethalol hydrochloride ;  
Propantheline bromide ;  
*iso*Propyl chloride ;  
Propylhexedrine, and salts thereof ;  
Protamines, and salts thereof ;  
Prothipendyl, and salts thereof ;  
Proxyphylline ;  
Pseudo-ephedrine, and salts thereof ;  
Pyrazinamide ;  
Pyridostigmine salts ;  
Pyrimethamine ;  
  
Quinethazone ;  
  
Rauwolfia species, and alkaloids thereof ;  
  
Salicylamide ;  
Sennosides A and B, and salts thereof ; preparations of senna fruit standardised  
in terms of sennosides A and B ;  
Sodium *p*-glycollylarsanilate ;  
Sodium propionate with or without one or more of the following substances,  
that is to say, cobalt sulphate, potassium chloride, sodium phosphate and  
terpineol ;  
Sparteine, and salts thereof ;  
Stilbamidine and other diamidines of diphenyl or diphenoxy derivatives of  
aliphatic hydrocarbons whether substituted or not, and salts thereof ;  
Strychnine, and salts thereof ;  
Sulphinpyrazone ;  
Suxamethonium salts ;  
  
Tetrabenazine ;  
Tetradeca- or hexadeca-methylene bisquinolinium salts ; tetradeca- or hexadeca-  
methylene bis*iso*quinolinium salts ;  
Tetraethylammonium halides ;  
Tetrahydrozoline hydrochloride ;  
Thalidomide, and salts thereof, whether or not mixed with acetylsalicylic acid  
and phenacetin ;  
Thenalidine, and salts thereof, whether or not combined with calcium salts ;  
Theobromine ;  
Theobromine calcium combined with one or more of the following substances,  
that is to say, calcium salicylate and potassium iodide ;  
Theophylline, whether or not combined with one or more of the following  
substances, that is to say, choline, ethylenediamine, methyl glucamine,  
monoethanolamine and sodium glycinate ;  
Theophyllinylacetic acid piperazine salt ;  
Thevetin ;  
Thiambutosine ;  
Thiethylperazine, and salts thereof ;  
Thiopropazate dihydrochloride ;  
Thiopropazine, and salts thereof ;

Thioridazine, and salts thereof ;  
 Thiousemicarbazones and *isothiousemicarbazones* ;  
 Thiouracil, and derivatives thereof ;  
 Tolazoline, and salts thereof ;  
 Tolpropamine, and salts and derivatives thereof ;  
 Triamterene ;  
 Trichloroethylene, whether with or without a stabiliser or a colouring agent ;  
 Tricyclamol chloride ;  
 Triethanolamine trinitrate diphosphate ;  
 Trifluoperazine, and salts thereof ;  
 Triprolidine hydrochloride ;  
 Troxidone, and other oxazolidine diones ;  
 Tryparsamide ;  
 Tubocurarine, and salts thereof ;

Undecenoic acid, and the zinc salt thereof ;

Vanilloldiethylamine ;

Vipryinium embonate ;

Vitamins, vitamin complexes and provitamins, whether or not combined with one or more of the following substances, that is to say, iodine, sodium chloride, and oxides, hydroxides and salts of any metal other than sodium ;

Xylometazoline hydrochloride ;

Any antimicrobial substance being:

- (a) a substance synthesized by bacteria, fungi or protozoa ; or
- (b) a substance the chemical properties of which are identical with, or similar to any substance within paragraph (a) above ; or
- (c) a salt or derivative or a salt of a derivative of any substance within paragraphs (a) and (b) above ; or
- (d) any substance within paragraph (a), (b) or (c) above mixed with one or more of the following substances, that is to say, cobalt salts, *NN'*-di-(4-amino-2-methyl-6-quinolyl)urea hydrochloride, *p*-hydroxybenzoic esters, kaolin, quaternary ammonium bactericides and salicyl alcohol ;

Preparations of stomach containing the haemopoietic principle thereof in a therapeutic concentration, and preparations consisting only of any such preparation of stomach as aforesaid and a salt of iron or dried yeast ;

Preparations of the substances known as streptokinase or streptokinase-streptodornase which are produced from a suitable strain of haemolytic streptococcus ;

The following substances, and salts and derivatives thereof :—

Antazoline ;

Anti-histamine substances, being tetra-substituted *N* derivatives of ethylene diamine ;

Bromodiphenhydramine ;

Buclizine ;

Cinnarizine ;

Clemizole ;

Cyproheptadine ;

3'-Di-(*n*-butyl)amino-methyl-4:5:6-trihydroxy-benzo-(1:2-*c*)-furan-1'(3')-one ;

Diphenhydramine ;

Diphenylpyraline ;

Doxylamine ;

Isoprenaline ;  
Isothipendyl ;

Mebhydrolin ;  
Meclozine ;  
Mepyramine ;

Phenindamine ;  
Pheniramine ;  
Phenyltoloxamine.

#### HEAD IV

Such of the therapeutic substances commonly known as vaccines, sera, toxins, antitoxins and antigens, and such preparations of the said substances, as are described under this head:—

Any one of the said substances prepared for use by injection or by application to the scarified skin ; any preparation so prepared consisting only of two or more of the said substances ;

The following, prepared for oral administration:—

The vaccine prepared from the irradiated larvae of *Dictyocaulus viviparus* ;  
Vaccines prepared from attenuated strains of poliomyelitis virus.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order consolidates the list of drugs and medicines which were free of purchase tax at the date of the making of this Order. The list supersedes the existing list shown in the Purchase Tax (No. 2) Order 1963 and includes the items subsequently exempted from tax by directions of the Commissioners of Customs and Excise under Section 17(3) of the Purchase Tax Act 1963.

The Order does not exempt any additional substance or cancel any existing exemption, but some items previously listed under their chemical names now appear under the names approved by the British Pharmacopoeia Commission.

## 1964 No. 1722

## CUSTOMS AND EXCISE

**The Import Duties (Temporary Exemptions) (No. 8) Order 1964**

<i>Made . . . . .</i>	<i>27th October 1964</i>
<i>Laid before the House of Commons</i>	<i>30th October 1964</i>
<i>Coming into Operation</i>	<i>4th November 1964</i>

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 3(6) and 13 of the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1.—(1) Until the beginning of 1st January 1965, any import duty which is for the time being chargeable on goods of a heading of the Customs Tariff 1959 specified in Schedule 1 to this Order shall not be chargeable in respect of goods of any description there specified in relation to that heading.

(2) The period for which the goods of the headings of the Customs Tariff 1959 and descriptions specified in Schedule 2 to this Order are exempt from import duty shall be extended until the beginning of 1st January 1965 or, in the case of goods in relation to which an earlier day is specified in that Schedule, until the beginning of that day.

(3) Any entry in the second column in Schedule 1 or 2 to this Order is to be taken to comprise all goods which would be classified under an entry in the same terms in the relevant heading in the Customs Tariff 1959.

(4) For the purposes of classification under the Customs Tariff 1959, in so far as that depends on the rate of duty, any goods to which paragraph (1) or (2) of this Article applies shall be treated as chargeable with the same duty as if this Order had not been made.

2.—(1) This Order may be cited as the Import Duties (Temporary Exemptions) (No. 8) Order 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 4th November 1964.

*Harriet Slater,*  
*G. H. R. Rogers,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

27th October 1964.

## SCHEDULE 1

## GOODS TEMPORARILY EXEMPT FROM IMPORT DUTY

<i>Tariff heading</i>	<i>Description</i>
28.14	Arsenic trichloride
28.15	Carbonyl sulphide
28.28	Molybdenum trioxide
28.30	Titanic chloride
28.38	Potassium hydrogen permonosulphate
28.47	Calcium molybdate
29.01	<i>iso</i> Butane <i>cis</i> But-2-ene <i>trans</i> But-2-ene Picene Tetradec-1-ene
29.02	Carbon tetrafluoride 1:1-Difluoroethylene 1:2:4:5-Tetrachlorobenzene Vinyl fluoride
29.04	6-Methylhept-5-en-2-ol 2-Methylpentane-2:4-diol
29.06	1-Naphthol
29.08	1:2:3-Tri-(2-hydroxy- <i>n</i> -propoxy)propane
29.13	5:8-Dioxo-1:2:7:8-dibenzopyrene Oestr-5(10)-ene-3:17-dione
29.16	4-Hydroxy-3:5-dimethoxycinnamic acid
29.19	Tri-(2:3-dibromopropyl) phosphate
29.22	<i>N</i> -Cyclohexylmethylamine <i>n</i> -Decyldimethylamine <i>NN</i> -Dimethyl- <i>n</i> -octylamine
29.23	2-(3:4-Dihydroxyphenyl)ethylammonium chloride Magnesium glutamate hydrobromide
29.25	Diethylcarbamoyl chloride
29.27	Barium 2-cyanoethyl orthophosphate
29.29	<i>N</i> -Methyl- <i>N'</i> - <i>p</i> -isopropylcarbamoylbenzylhydrazine hydrochloride
29.31	Methanethiol
29.35	2-Amidino-1:2:3:4-tetrahydroisoquinoline sulphate 3-(2- <i>n</i> -Amyltetrahydro-3-furyl)-1-[3-(2- <i>n</i> -amyltetrahydro-3-furyl)-propoxy]propan-1-ol Cytidine dihydrogen phosphate, mixed 2'- and 3'- isomers 2-(3:5-Di- <i>tert</i> butyl-2-hydroxyphenyl)benzotriazole 4-(2-Diethylaminoethyl)-5-imino-3-phenyl-1:2:4-oxadiazole hydrochloride 1:3-Dihydro-7-nitro-5-phenylbenzo-1:4-diazepin-2-one Di-(3-hydroxy-4-hydroxymethyl-2-methyl-5-pyridylmethyl) disulphide dihydrochloride 2:2'-Diquinolyl 5-( $\alpha$ -Hydroxy- $\alpha$ -2-pyridylbenzyl)-7-( $\alpha$ -2-pyridylbenzylidene)bicyclo-[2:2:1]hept-5-ene-2:3-dicarboxyimide Isoniazid 1-Methylindole-2-carboxylic acid Sodium deoxyribonucleate 5-Vinyl- $\alpha$ -picoline



<i>Tariff heading</i>	<i>Description</i>
29.36	5:6-Dimethoxy-4-sulphanilamidopyrimidine
29.42	Arecoline
29.44	Viomycin pantothenate sulphate Viomycin sulphate
38.19	Preparations consisting of clay and not less than 30 per cent. by weight and not more than 40 per cent. by weight of <i>N</i> -methyl- <i>N</i> :4-dinitroso-aniline
39.01	Phenoxy resins, not plasticised or otherwise compounded, being thermoplastic polyaddition products of 2:2-di-( <i>p</i> -hydroxyphenyl)-propane and 1-chloro-2:3-epoxypropane and having an epoxide content of less than 0.8 per cent. by weight calculated as ethylene oxide
39.02	Polystyrene sheet, in rolls, colourless, of a thickness not less than 0.1 millimetres and not greater than 0.9 millimetres, and having a light transmission not less than 85 per cent.
73.14	Iron or steel wire of a diameter not less than 0.019 inch nor more than 0.200 inch, and having a coating of nickel of not less than 0.0001 inch in thickness
73.23	Cylindrical steel canisters of a kind used for the bulk conveyance of carbonated beverages under pressure, having a height of 23½ inches and diameters of 8½ inches or 9½ inches, and having a capacity of either 660 fluid ounces or 750 fluid ounces
81.02	Molybdenum, of a purity of not less than 99.8 per cent. in the form of rods of not less than 18 inches and not more than 100 inches in length and of not less than 2½ inches and not more than 4½ inches in diameter and whether or not threaded at the ends

## SCHEDULE 2

## GOODS OF WHICH EXEMPTION FROM IMPORT DUTY EXTENDED

<i>Tariff heading</i>	<i>Description</i>
12.01	Castor seed (until 2nd December 1964)
28.47	<i>di</i> Sodium molybdate
29.02	1:2:4-Trichlorobenzene
29.08	2:5-Di <i>tert</i> butylperoxy-2:5-dimethylhexane
29.14	Methyl chloroformate 4-Methylvaleric acid
29.20	Dimethyl carbonate
29.34	Triethylaluminium
30.03	Preparations, in the form of capsules, the contents of which include not less than 70 per cent. by weight of acetazolamide
38.14	Anti-knock preparations containing not less than 60 per cent. by weight of tetraethyl-lead
39.01	Nylon 6 in the forms covered by Note 3(b) of Chapter 39, containing not more than 2 per cent. by weight of titanium dioxide, but not otherwise compounded Polycondensation products of adipic acid and aliphatic alcohols, having an acetyl value of not less than 34 and not more than 38 and having an acid value of less than 1
81.04	Vanadium, unwrought, of a purity not less than 99 per cent. and containing not more than 0.1 per cent. of iron calculated as Fe

**EXPLANATORY NOTE**

*(This Note does not form part of the Order, but is intended to indicate its general purport.)*

This Order provides that the goods mentioned in Schedule 1 shall be temporarily exempted from import duty, and those mentioned in Schedule 2 shall continue to be exempted from import duty, until 1st January 1965, unless a shorter period is indicated against any item.

## 1964 No. 1723

## CUSTOMS AND EXCISE

## The Import Duty Drawbacks (No. 9) Order 1964

<i>Made - - - -</i>	<i>27th October 1964</i>
<i>Laid before the House of Commons - -</i>	<i>30th October 1964</i>
<i>Coming into Operation</i>	<i>4th November 1964</i>

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by sections 9 and 13 of, and Schedule 5 to, the Import Duties Act 1958(a), and of all other powers enabling them in that behalf, on the recommendation of the Board of Trade hereby make the following Order:—

1. In Schedule 1 to the Import Duty Drawbacks (Consolidation) Order 1962(b) (which relates to the drawbacks to be allowed on the exportation of imported articles or goods incorporating them), in column 2 of the entry relating to heading 44.25, the following shall be inserted at the end—

“(d) for sticks of rectangular cross-section throughout, not more than 1 inch in width nor more than  $\frac{1}{4}$  inch in thickness, and not more than 9 inches or less than 3 inches in length”.

2.—(1) Schedule 2 to the said Order of 1962 (which relates to the drawbacks to be allowed on the exportation of goods produced or manufactured from imported articles) shall be amended as follows.

(2) There shall be inserted the entries set out in the Schedule to this Order, the second of which is in lieu of the entry inserted by Article 3(5) of and Schedule 3 to the Import Duty Drawbacks (No. 3) Order 1963(c).

(3) In the entry relating to foodstuffs, canned or bottled, containing tomato purée or paste, in column 3, for “9s. 0d.” (the rate of drawback per cwt. of tomato purée or paste) there shall be substituted “8s. 3d.”.

(4) In the entry relating to linseed oil and goods made with linseed oil, the following shall be inserted after paragraph 2—

“2A. Mixtures consisting of cobalt linoleate, linseed oil and linseed oil fatty acids, and having a metallic content of not more than 6 per cent. by weight.	Linseed oil. £1 0s. 8d. per 100 kg. of the mixture”.
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with the rate of drawback in column 3.

(5) In consequence of paragraph (2) above, Article 3(5) of and Schedule 3 to the Import Duty Drawbacks (No. 3) Order 1963 are hereby revoked.

3.—(1) This Order may be cited as the Import Duty Drawbacks (No. 9) Order 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(a) 6 & 7 Eliz. 2. c. 6. (b) S.I. 1962/1685 (1962 II, p. 2040).  
(c) S.I. 1963/1015 (1963 II, p. 1690). (d) 52 & 53 Vict. c. 63.

(3) This Order shall come into operation on 4th November 1964.

*Harriet Slater,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

27th October 1964.

### SCHEDULE

#### DRAWBACK ON EXPORTATION OF GOODS PRODUCED OR MANUFACTURED FROM IMPORTED ARTICLES

<i>Exported goods</i>	<i>Imported goods</i>	<i>Rate of drawback</i>
Metal polish containing Neuburg chalk but no other mineral abrasive.	Neuburg chalk.	3s. 2d. per cwt. of Neuburg chalk.
Vinyl chloride and vinylidene chloride products, the following:	Copolymers of vinyl chloride and vinylidene chloride in the form of powder.	
1. Tubing, lay-flat:		
(a) plain.		3·4d. per lb. of copolymers.
(b) printed.		3·5d. per lb. of copolymers.
2. Bags:		
(a) plain.		3·5d. per lb. of copolymers.
(b) printed.		3·7d. per lb. of copolymers.
3. Film in rolls:		
(a) undecorated.		3·5d. per lb. of copolymers.
(b) decorated.		3·8d. per lb. of copolymers.

### EXPLANATORY NOTE

*(This Note does not form part of the Order, but is intended to indicate its general purport.)*

This Order—

- (a) provides for the allowance of drawback of import duty on—
- (i) the exportation of certain imported wooden sticks within specified dimensions,
  - (ii) imported Neuburg chalk used in the manufacture of certain metal polish for export, and
  - (iii) imported linseed oil used in the manufacture of certain mixtures of cobalt linoleate, linseed oil and linseed oil fatty acids for export ;

and

- (b) provides for alterations to the rates of drawback of import duty on—
- (i) certain imported tomato purée and paste used in the manufacture of specified exported canned or bottled foodstuffs, and
  - (ii) certain imported copolymers of vinyl chloride and vinylidene chloride used in the manufacture of specified vinyl chloride and vinylidene chloride products for export.

1964 No. 1724

## CUSTOMS AND EXCISE

**The Hydrocarbon Oil Duties (Drawback) (No. 2) Order 1964**

*Made* - - - - 27th October 1964  
*Laid before the House*  
*of Commons* - - 30th October 1964  
*Coming into Operation* 4th November 1964

The Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by section 203 of the Customs and Excise Act 1952(a), and of all other powers enabling them in that behalf, hereby make the following Order:—

1. Drawback shall be allowed in respect of hydrocarbon oil used as a solvent in the manufacture or preparation of lubricating oil viscosity modifiers consisting of polymerised vinyl acetate fumerates dissolved in lubricating oil, and shall be so allowed as respects the duty on 5·57 gallons of hydrocarbon oil for each ton of the modifier.

2.—(1) This Order may be cited as the Hydrocarbon Oil Duties (Drawback) (No. 2) Order 1964.

(2) In this Order "drawback" means drawback under section 203 of the Customs and Excise Act 1952 of any customs or excise duty on hydrocarbon oils.

(3) The Interpretation Act 1889(b) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(4) This Order shall come into operation on 4th November 1964.

*Harriet Slater,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

27th October 1964.

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 EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides for the allowance of drawback of customs or excise duty paid in respect of hydrocarbon oil used in the manufacture or preparation of certain lubricating oil viscosity modifiers.

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(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.

(b) 52 & 53 Vict. c. 63.

1964 No. 1725

## AGRICULTURE

**The Price Stability of Imported Products (Rates of Levy No. 5)  
Order 1964**

*Made* - - - - 27th October 1964  
*Coming into Operation* 29th October 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Rates of Levy No. 5) Order 1964; and shall come into operation on 29th October 1964.

2.—(1) In this order—

“ the Principal Order ” means the Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended (c), and as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ; AND other expressions have the same meaning as in the Principal Order.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the order hereby revoked were Acts of Parliament.

3. The Price Stability of Imported Products (Rates of Levy No. 4) Order 1964(e) is hereby revoked.

4. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of general levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th October 1964.

(L.S.)

*A. J. D. Winniffrith,*  
 Secretary.

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706).

(c) S.I. 1964/989, 1146, 1463, 1566 (1964 II, pp. 2229, 2570 ; III, pp. 3390, 3512).

(d) 52 & 53 Vict. c. 63. (e) S.I. 1964/1644 (1964 III, p. 3628).

## SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of General Levy
11.02	Imports of :— Rolled, flaked, crushed or bruised cereals— of wheat .. .. .	per ton £ s. d. 3 0 0

## EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order, which comes into operation on 29th October 1964, increases the rate of general levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of the specified commodity described in the Schedule to the order.

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 S T A T U T O R Y   I N S T R U M E N T S
 

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1964 No. 1726

**TRIBUNALS AND INQUIRIES**
**The Tribunals and Inquiries (Indemnification of Justices  
and Clerks) Order 1964**

<i>Made</i> - - - -	27th October 1964
<i>Laid before Parliament</i>	3rd November 1964
<i>Coming into Operation</i>	4th November 1964

We, the Lord High Chancellor of Great Britain and the Secretary of State for Scotland, in exercise of the powers conferred on us by section 10(1) of the Tribunals and Inquiries Act 1958(a), hereby make the following Order:—

1. This Order may be cited as the Tribunals and Inquiries (Indemnification of Justices and Clerks) Order 1964 and shall come into operation on 4th November 1964.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. Part I of Schedule 1 to the Tribunals and Inquiries Act 1958 shall have effect as if there were specified therein any person appointed under section 27(3) of the Administration of Justice Act 1964(c).

Dated 27th October 1964.

*Gardiner, C.  
William Ross.*

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order brings under the supervision of the Council on Tribunals any person appointed under section 27 of the Administration of Justice Act 1964 to hear appeals from decisions of magistrates' courts committees relating to the indemnification of justices and their clerks.

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 (a) 6 & 7 Eliz. 2. c. 66.

(b) 52 &amp; 53 Vict. c. 63.

(c) 1964 c. 42.



1964 No. 1728

## FACTORIES

**The Lead Processes (Medical Examinations)  
Regulations 1964**

<i>Made</i> . . . . .	28th October 1964
<i>Laid before Parliament</i>	5th November 1964
<i>Coming into Operation</i>	26th November 1964

The Minister of Labour—

- (a) by virtue of the powers conferred on him by sections 76, 129(1) and 180(6) of the Factories Act 1961(a) and of all other powers enabling him in that behalf; and
- (b) after publishing, pursuant to Schedule 4 to the said Act of 1961, notice of the proposal to make the Regulations and not having received any objection to the draft in regard to which he is required by the said Schedule to direct an inquiry to be held,

hereby makes the following special Regulations:—

1. These Regulations may be cited as the Lead Processes (Medical Examinations) Regulations 1964 and shall come into operation on 26th November 1964.

2. These Regulations shall not apply in the case of any person by reason only of his employment in a fume process within the meaning of the Indiarubber Regulations 1922(b).

3.—(1) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) In these Regulations—

“appointed doctor” means a doctor authorised to act for the purposes of any of the instruments specified in the Schedule to these Regulations;

“approved” means approved for the time being by certificate of the Chief Inspector;

“haemoglobin estimation” means an estimation of the haemoglobin in grammes per 100 millilitres of the whole blood; and

“health register” means any health register used for the purposes of any of the instruments specified in the Schedule to these Regulations.

4.—(1) Every medical examination required by virtue of the instruments specified in the Schedule to these Regulations shall include a haemoglobin estimation by an approved method:

Provided that, subject to the provisions of paragraph (2) of this Regulation, a haemoglobin estimation shall not be required in the case of any person more frequently than once in every period of three months.

(a) 9 & 10 Eliz. 2. c. 34.

(b) S.R. & O. 1922/329 (Rev. VII, p. 358: 1922, p. 268).

(c) 52 & 53 Vict. c. 63.

(2) Where as a result of any haemoglobin estimation the haemoglobin content of the blood of any person is estimated to be less than 13 grammes per 100 millilitres of whole blood in the case of a male or less than 12 grammes per 100 millilitres of whole blood in the case of a female, the appointed doctor may at his discretion require a further haemoglobin estimation by an approved method after such interval as he may determine.

5. The occupier of a factory shall send to the inspector for the district within seven days after the end of the month in which the entry is made a copy of every entry made in the health register by the appointed doctor, together with particulars identifying the person to whom each entry relates.

Dated 28th October 1964.

*R. J. Gunter,*  
Minister of Labour.

## SCHEDULE

Regulations 4 and 5

Description or title of instrument	Reference	Provision requiring medical examination
1. Regulations, dated 21st January 1907, with respect to the manufacture of paints and colours.	S.R. & O. 1907/17 (Rev. VII, p. 400: 1907, p. 139).	Regulation 4
2. Regulations, dated 6th August 1907, with respect to the process of the manipulation of yarn dyed by means of a lead compound.	S.R. & O. 1907/616 (Rev. VII, p. 472: 1907, p. 142).	Regulation 4
3. Regulations, dated 18th December 1908, with respect to the process of vitreous enamelling of metal or glass.	S.R. & O. 1908/1258 (Rev. VII, p. 312: 1908, p. 336).	Regulation 9
4. Regulations, dated 30th June 1909, with respect to the coating of metal articles with a mixture of tin and lead, or lead alone.	S.R. & O. 1909/720 (Rev. VII, p. 455: 1909, p. 301).	Regulation 6
5. Regulations, dated 12th August 1911, with respect to the smelting and manufacture of lead and flaked litharge.	S.R. & O. 1911/752 (Rev. VII, p. 369: 1911, p. 55).	Regulation 13
6. Regulations, dated 23rd August 1921, with respect to the manufacture of any carbonate, sulphate, nitrate or acetate of lead.	S.R. & O. 1921/1443 (Rev. VII, p. 374: 1921, p. 246).	Regulation 11
7. Order, dated 8th November 1921, with respect to the employment of women and young persons in certain processes involving the use of a lead compound.	S.R. & O. 1921/1714 (Rev. VII, p. 533: 1921, p. 252).	Article 1

SCHEDULE *continued*

Description or title of instrument	Reference	Provision requiring medical examination
8. The Indiarubber Regulations 1922.	S.R. & O. 1922/329 (Rev. VII, p. 358: 1922, p. 268).	Regulation 12
9. The Electric Accumulator Regulations 1925.	S.R. & O. 1925/28 (Rev. VII, p. 296: 1925, p. 337).	Regulation 13
10. The Vehicle Painting Regulations 1926.	S.R. & O. 1926/299 (Rev. VII, p. 397: 1926, p. 537).	Regulation 9
11. The Lead Paint Regulations 1927.	S.R. & O. 1927/847 (Rev. VII, p. 476: 1927, p. 441).	Regulation 6
12. The Pottery (Health and Welfare) Special Regulations 1950.	S.I. 1950/65 (1950 I, p. 657).	Regulation 7

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide that medical examinations required by virtue of the instruments specified in the Schedule thereto shall include an estimation of the haemoglobin content of the blood and empower the appointed doctor, where the haemoglobin content is found to be below a specified level, to require a further estimation after such interval as he may determine.

The Regulations further provide that the occupier of a factory shall send to the factory inspector for the district at specified intervals a copy of every entry made in the health register by the appointed doctor.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1729

**FACTORIES**
**The Fees of Appointed Factory Doctors (No. 1)  
Order 1964**

*Made* - - - - 28th October 1964

*Coming into Operation* 26th November 1964

The Minister of Labour by virtue of the powers conferred on him by section 152 of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Fees of Appointed Factory Doctors (No. 1) Order 1964 and shall come into operation on 26th November 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

2.—(1) The Minister of Labour hereby determines that, subject to any agreement between the appointed factory doctor and the occupier of a factory, the fees payable by occupiers of factories to appointed factory doctors for an examination or part of an examination consisting, in either case, of a haemoglobin estimation made in pursuance of the Lead Processes (Medical Examinations) Regulations 1964(c) shall be of the following amounts, that is to say:—

(a) in respect of the first or only person examined on any one occasion—fifteen shillings;

(b) in respect of the second to the tenth person examined on any one occasion—seven shillings and sixpence for each person; and

(c) in respect of the eleventh and each subsequent person examined on any one occasion—five shillings for each person.

(2) The fees specified in this Order are payable in addition to any fees payable under the Fees of Appointed Factory Doctors Order 1963(d).

Dated 28th October 1964.

*R. J. Gunter,*  
Minister of Labour.

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(a) 9 & 10 Eliz. 2. c. 34.

(c) S.I. 1964/1728 (1964 III, p. 3846).

(b) 52 & 53 Vict. c. 63.

(d) S.I. 1963/1160 (1963 II, p. 1993).

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order determines the amount of fees payable by occupiers of factories to appointed factory doctors for estimations of the haemoglobin content of the blood in pursuance of the Lead Processes (Medical Examinations) Regulations 1964 which provide for the making of such estimations by the appointed factory doctor in the case of workers employed in certain processes involving the use of lead. The fees determined by this Order may be varied by agreement between the appointed factory doctor and the occupier of a factory.

1964 No. 1736

**FACTORIES**

**The Docks Certificates (No. 2) Order 1964**

*Made* - - - - - 29th October 1964

*Coming into Operation* 6th November 1964

The Minister of Labour in pursuance of Regulation 22(a) of the Docks Regulations 1934(a) (hereinafter referred to as "the Regulations") hereby makes the following Order:—

1.—(1) This Order may be cited as the Docks Certificates (No. 2) Order 1964 and shall come into operation on 6th November 1964.

(2) The Order, prescribing a form of certificate of any test and examination of a pulley block and certain other equipment in pursuance of Regulation 19(a) of the Regulations, made by the Minister of Labour on 29th May 1959, is hereby revoked.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The certificate of any test and examination of a pulley block made in pursuance of Regulation 19(a) of the Regulations shall be in the form set out in the Schedule to this Order and shall contain the particulars therein specified.

Dated 29th October 1964.

*R. J. Gunter,*  
Minister of Labour.

Test Certificate  
No.....

Ministry of Labour  
H.M. FACTORY INSPECTORATE  
FACTORIES ACT 1961

Docks Regulations 1934, regulations 19(a) and 22(a)

**PULLEY BLOCKS: Certificate of Test and Examination, before being taken into use**  
Form prescribed by the Minister of Labour

(1) Particulars:

Distinguishing Number or mark	Description of Block			Number tested	Date of test	Proof load applied	Safe working load
	Outside Diameter of Sheave	State whether the axle pin and head fitting are of mild or high tensile steel	Where applicable state heat treatment items in (c) received in manufacture				
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
						tons	tons

- (2) Were the sheaves and pins of the pulley block or blocks removed after the application of the proof load and all parts then examined by a competent person and found to have withstood the proof load without deformation and to be free from cracks, flaws or other defects? ..... Yes/No\*
- (3) Name and address of makers or suppliers.
- (4) Name and address of public service, association, company, firm or person making the test and examination.
- (5) \*Position in public service, association, company or firm named above of person who made the test and examination.

or

\*Qualification if he is working on his own account.

I certify, on behalf of the firm or persons named in (3)\* above, that the above particulars are correct.

Signature..... Date.....

\* Delete inapplicable item.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order prescribes the form of the certificate and the particulars to be given with regard to the tests and examinations of pulley blocks, which are required by Regulation 19(a) of the Docks Regulations 1934.

The form prescribed by this Order is in substitution for that prescribed for such certificates by the Order of the Minister of Labour dated 29th May 1959.



1964 No. 1744 (S. 118)

## SHERIFF COURT, SCOTLAND

## SITTINGS AND DISTRIBUTION OF BUSINESS

## The Sheriff Courts (Linlithgow and Falkirk) Order 1964

*Made* 30th October 1964*Coming into Operation* 2nd November 1964

In exercise of the powers conferred on him by sections 18 and 19 of the Sheriff Courts (Scotland) Act 1907(a), as read with the Secretaries of State Act 1926(b), the Secretary of State hereby orders as follows:—

1. This Order may be cited as the Sheriff Courts (Linlithgow and Falkirk) Order 1964 and shall come into operation on 2nd November 1964.

2. Articles (3) and (4) of the Sheriff Courts (Peebles and Selkirk) and (Linlithgow and Falkirk) Amalgamation Order 1917(c) shall cease to have effect.

3. This Order shall be recorded in the Sheriff Court Books at Falkirk and Linlithgow and shall be intimated on the walls of the Sheriff Court House there.

Given under the Seal of the Secretary of State for Scotland.

(L.S.)

*R. E. C. Johnson,*  
Secretary.

Scottish Home and Health Department,  
St. Andrew's House,  
Edinburgh, 1.

30th October 1964.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order revokes Articles (3) and (4) of the Sheriff Courts (Peebles and Selkirk) and (Linlithgow and Falkirk) Amalgamation Order 1917 which provided that the salaried Sheriff Substitute at Falkirk was required to discharge the duties of the Sheriff Courts at Linlithgow and Falkirk. That provision is made unnecessary by the appointment of a salaried Sheriff Substitute at Linlithgow on 2nd November 1964.

(a) 7 Edw. 7. c. 51.

(b) 16 & 17 Geo. 5. c. 18.

(c) S.R. & O. 1917/1111 (Rev. XX, p. 764: 1917, p. 954).

1964 No. 1745 (S. 119)

**SHERIFF COURT, SCOTLAND**

**SITTINGS AND DISTRIBUTION OF BUSINESS  
The Sheriff Courts (Peebles) Order 1964**

*Made* 30th October 1964

*Coming into Operation* 2nd November 1964

In exercise of the powers conferred on him by sections 18 and 19 of the Sheriff Courts (Scotland) Act 1907(a), as read with the Secretaries of State Act 1926(b), the Secretary of State hereby orders as follows:—

1. This Order may be cited as the Sheriff Courts (Peebles) Order 1964 and shall come into operation on 2nd November 1964.

2. Ordinary Courts and Small Debt Courts shall, instead of being held at Peebles on alternate Thursdays, be held on alternate Wednesdays.

3. This Order shall be recorded in the Sheriff Court Books at Peebles and shall be intimated on the walls of the Sheriff Court House there.

Given under the Seal of the Secretary of State for Scotland.

(L.S.)

*R. E. C. Johnson,*  
Secretary.

Scottish Home and Health Department,  
St. Andrew's House,  
Edinburgh, 1.  
30th October 1964.

(a) 7 Edw. 7. c. 51.

(b) 16 & 17 Geo. 5. c. 18.

## 1964 No. 1755

## ECCLESIASTICAL LAW

## The Ecclesiastical Jurisdiction (Discipline) Rules 1964

*Made (Approved by the  
Church Assembly) - 3rd November 1964*  
*Laid before Parliament 11th November 1964*  
*Coming into Operation 1st March 1965*

In pursuance of section 65 of the Ecclesiastical Jurisdiction Measure, 1963(a), the Rule Committee constituted under section 64 of the said Measure hereby make the following rules:—

## PRELIMINARY

*Citation, commencement and interpretation*

1. These rules may be cited as the Ecclesiastical Jurisdiction (Discipline) Rules 1964, and shall come into force on the first day of March 1965.

2.—(1) In these rules, unless the context otherwise requires:

“the complainant” means, in relation to a complaint, the person or persons by whom the complaint was laid;

“the Dean of the Arches and Auditor” includes a person appointed to act as his deputy under section 4 of the Measure;

“the judge of the consistory court” means the chancellor of the diocese and includes a person appointed to act as his deputy under section 4 of the Measure and also, for the purposes of any proceedings in respect of which a person is appointed under section 27 of the Measure, the person so appointed;

“the Measure” means the Ecclesiastical Jurisdiction Measure 1963;

“the promoter” means, in relation to a complaint and proceedings arising thereon, the person nominated under section 25, section 33(7), or section 43 of the Measure, as the case may be, to promote the complaint;

“the registrar” means, in relation to a complaint the registrar of a province or diocese before whom the complaint was laid, and includes any person appointed to act as deputy registrar.

(2) The Interpretation Measure 1925(b) shall apply for the interpretation of these rules as it applies for the interpretation of Church Assembly Measures.

## INSTITUTION OF PROCEEDINGS IN RESPECT OF OFFENCES

## (PART III OF MEASURE)

*Laying of complaint*

3.—(1) The laying of a complaint before the registrar of a province or diocese under section 18 of the Measure in respect of any offence shall be effected in accordance with the following provisions of this rule.

(2) Three copies of the complaint shall be lodged with the registrar, and it shall be in the appropriate form set out in the Appendix.

Forms 1  
and 2.

(3) The complaint shall be signed by the person or, as the case may be, each of the persons by whom it is laid, and shall state the authority or qualification of that person or, as the case may be, each of those persons for laying the complaint and shall state the offence or offences charged and give particulars of the alleged acts or omissions constituting the offence or, as the case may be, each of the offences charged, and shall state the complainant's address for service.

(4) The complaint shall be verified by an affidavit sworn by the person or, as the case may be, each of the persons by whom it is laid, and the original affidavit or affidavits and one copy thereof shall be lodged with the registrar.

Form 3.

(5) If the complaint is laid by a person authorised by a bishop or an archbishop to do so, a certificate signed by the bishop or archbishop and certifying his authority shall, subject as hereinafter provided, be lodged with the registrar.

Form 4.

(6) If the complaint is laid by persons qualified by having their names on the electoral roll of a parish or conventional district or guild church, a certificate or certificates signed by a churchwarden of the parish, district or church or by the secretary of the parochial church council or guild church council and verifying the qualification of each of those persons shall, subject as hereinafter provided, be lodged with the registrar.

Form 5.

(7) If the persons by whom a complaint is laid include persons qualified as lay members of a diocesan conference, a certificate or certificates signed by the secretary of the conference and verifying the qualification of each of those persons shall, subject as hereinafter provided, be lodged with the registrar.

Form 6.

(8) The registrar may dispense with any such certificate as aforesaid in a case where he is otherwise satisfied of the qualification of any such person.

(9) If the registrar is satisfied that the foregoing provisions of this rule have been complied with, he shall seal one copy of the complaint with the seal of the registry and return it to the complainant, and shall complete the laying of the complaint by filing another copy thereof in the registry.

(10) The registrar shall give the third copy of the complaint—

- (a) where the accused is a priest or deacon, to the bishop of the diocese of which he is the registrar ;
- (b) where the accused is a bishop, to the archbishop of the relevant province ; or
- (c) where the accused is an archbishop, to the senior of the diocesan bishops of the relevant province, excluding any bishops laying the complaint, seniority being determined in accordance with section 67 of the Measure.

#### *Service of a complaint*

4.—(1) When a complaint has been duly laid before the registrar, the complainant shall within 28 days after the laying of the complaint

serve on the accused a copy of the complaint and of the affidavit or affidavits verifying the complaint.

(2) The service must be personal service, and rule 58(1) shall apply thereto.

**Form 7.** (3) The complainant shall at the same time serve 2 copies of a form of statement of the accused's address for service, and the accused shall complete and sign both copies and serve one on the complainant and lodge the other with the registrar.

**PROCEDURE AFTER LAYING OF COMPLAINT AGAINST PRIEST OR DEACON FOR OFFENCE NOT INVOLVING DOCTRINE ETC. (PART IV OF MEASURE)**

*Dismissal of complaint by bishop*

5. If the bishop decides under section 23 of the Measure that no further step be taken in the matter of the complaint, he shall, in addition to the notices required by that section to be given to the complainant and to the accused, give written notice of his decision to the registrar, who shall file it in the registry.

*Reference of complaint to examiner*

6.—(1) If the bishop refers the complaint under the said section 23 for inquiry by an examiner, he shall notify the registrar accordingly, and the registrar shall thereupon fix a time and place for the selection of the examiner under Part I of the Second Schedule to the Measure.

(2) The registrar shall give not less than 7 days' notice in writing of the time and place so fixed to the complainant and the accused, and the notice shall inform them of their right under paragraph 2 of the said Schedule to be present by themselves or their representatives.

(3) The registrar shall forthwith give notice in writing of the name of the examiner selected, to the complainant and the accused.

*Proceedings before Examiner*

7.—(1) Within 14 days after receiving notice of the name of the examiner, the complainant shall lodge with the registrar the original and one copy of the affidavits containing the evidence which he proposes to lay before the examiner under section 24(3) of the Measure and 2 copies of a notice in writing stating the name of any person whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 24(3), and shall serve one copy of the affidavits and notice (if any) on the accused within the said period or as soon as possible thereafter.

(2) The service on the accused must be personal service, and rule 58(1) shall apply thereto.

(3) Within 14 days after the service of copies of the complainant's affidavits, the accused shall lodge with the registrar the original and one copy of the affidavits containing the evidence which he proposes to lay before the examiner under the said section 24(3) and of a notice in writing stating the name of any person whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 24(3), and shall serve one copy of the affidavits and notice (if any) on the complainant within the said period.

(4) No further affidavits shall be laid before the examiner, except with the leave of the registrar.

8.—(1) The examiner shall as soon as possible after his selection fix the time and place at which the inquiry will be held, and it shall be not less than 28 days after his selection, and the registrar shall give not less than 14 days' notice in writing of the time and place so fixed to the complainant and the accused.

(2) If it is necessary for the inquiry to be adjourned, the examiner shall fix the time and place at which the inquiry will be resumed.

(3) Either the complainant or the accused may apply to the registrar for a postponement of the inquiry or, as the case may be, of the adjourned hearing and, if the application is granted, the inquiry or hearing shall be postponed to such later time as the examiner may fix, and the registrar shall give not less than 7 days' notice in writing to the parties of the time so fixed.

(4) The examiner may at any time of his own motion postpone the inquiry or, as the case may be, the adjourned hearing to such later time as he may fix, and the registrar shall give not less than 7 days' notice in writing thereof to the parties.

9.—(1) Any application to the examiner under section 24(3) of the Measure to request the attendance at the inquiry of a person making an affidavit shall be lodged with the registrar not less than 10 days before the day fixed for the inquiry, and any request by the examiner for the attendance of any such person shall be made in writing not less than 4 days before his attendance is required. Form 8.  
Form 9.

(2) If the examiner of his own motion requests the attendance of any such person, the registrar shall give notice in writing of the request to each party.

10. The examiner shall give copies of his decision to the complainant and to the registrar, as well as to the persons to whom he is required to give copies thereof by section 24(6) of the Measure, and the registrar shall file his copy in the registry.

*Pronouncement of censure by bishop with consent*

11.—(1) If the accused wishes the bishop of the diocese before whose registrar the complaint was laid to exercise his power under section 31 of the Measure to pronounce a censure on him with his consent, he may lodge with the registrar 2 copies of an application to the bishop to that effect. Form 10.

(2) The application shall state the extent to which the accused admits the offence or offences charged and the allegations contained in the complaint, and the accused shall serve a copy thereof on the complainant.

(3) If the bishop decides to exercise his power under the said section, the registrar shall give not less than 7 days' notice in writing to the accused and the complainant of the time and place at which the censure will be pronounced, and they shall be entitled to be present; and the registrar shall attend the bishop when he pronounces sentence.

(4) The censure shall be reduced to writing and copies thereof shall be given to the accused and the complainant and to the registrar, who shall file his copy in the registry.

(5) If the bishop decides not to exercise his power under the said section, he shall give notice in writing of his decision to the accused and to the registrar and, if he has consulted with the complainant in accordance with the said section, to the complainant, and the registrar shall file the notice in the registry.

*Articles and answer thereto*

Form 11. 12.—(1) Subject to the following provisions of this rule, the person  
Form 12. nominated to promote a complaint under section 25 of the Measure shall, within 28 days after his nomination, lodge with the registrar 6 copies of the articles charging the offence or offences specified by the examiner, together with a certificate of his nomination signed by the bishop, and shall within the said period or as soon as possible thereafter serve a copy of the said articles on the accused.

The registrar shall forthwith give one of the copies lodged with him to the judge of the consistory court, and 4 copies shall be available for the assessors.

Form 13. (2) If the promoter wishes to apply to the examiner or the consistory court under section 26 of the Measure for leave to include in the articles particulars of any offence not specified by the examiner, being an offence founded on evidence disclosed in the course of the inquiry by the examiner, he shall lodge with the registrar, within 14 days after his nomination, 2 copies of an application in writing stating the offences to be included and the evidence on which he relies, and whether the application is to the examiner or the court, and shall within the said period or as soon as possible thereafter serve a copy of the application on the accused.

(3) The registrar shall give not less than 7 days' notice in writing to the promoter and the accused of the time and place of the hearing of the application.

(4) If such an application is refused by the examiner, a subsequent application may be made to the consistory court, and paragraphs (2) and (3) of this rule shall apply thereto, except that the period for lodging the application shall be 7 days after the date of the refusal of the previous application.

(5) If any application or applications is or are made under this rule, the period within which the articles must be lodged with the registrar shall extend to 21 days after the date of the decision or, as the case may be, the second decision, and paragraph (1) of this rule shall apply accordingly.

(6) The service on the accused of a copy of the articles and of any application under this rule must be personal service, and rule 58(1) shall apply thereto.

13.—(1) The accused may, within 14 days after the service on him of the articles, lodge with the registrar 6 copies of an answer to the articles and serve one copy on the complainant.

The registrar shall give one of the copies lodged with him to the judge of the consistory court, and 4 copies shall be available for the assessors.

(2) If an answer is lodged, it shall admit or deny the offence, or if the articles specify two or more offences, each of the offences; and may also admit or deny, or give the accused's account or explanation of, the matters alleged in the articles to constitute the offence or offences.

*Fixing day of trial*

14.—(1) As soon as possible after he has received a copy of the articles, the judge of the consistory court shall fix a time and place for the trial, and the time shall not be less than 28 days after the lodging of the articles(a).

(2) Either the promoter or the accused may apply to the registrar for a postponement of the time fixed for the trial and, if the application is granted, the trial shall be at such later time as the judge may fix(a).

(3) The judge may at any time of his own motion postpone the time fixed for the trial.

*Selection of Assessors*

15.—(1) The registrar shall fix a time and place for the selection, in accordance with Part II of the Second Schedule to the Measure, of the 4 assessors with whom the consistory court is required to sit, and the time so fixed shall be not less than 15 days before the day fixed for the trial.

(2) The registrar shall give not less than 7 days' notice in writing of Form 14. the time and place so fixed to the promoter and the accused, and the notice shall inform them of their right under paragraph 6 of the said Schedule to be present by themselves or their representatives.

(3) The registrar shall forthwith give notice in writing of the names of the assessors selected to the promoter and the accused, and shall inform the judge of the consistory court.

(4) Any objection by either party to an assessor so selected shall be made in writing and lodged with the registrar within 7 days after Form 15. the receipt of the notice of the assessor so selected, and the objection shall state the reasons therefor and, if the judge approves the reasons, the registrar shall (without prejudice to paragraph 8 of the Second Schedule to the Measure) endeavour to arrange another ballot, with notice to the parties, for the selection of another assessor before the trial.

*Proceedings at trial*

16.—(1) The judge of the consistory court may at the hearing, if he thinks that the interests of justice so require,—

- (a) allow the promoter to withdraw the articles or, if two or more offences are charged, to withdraw the charge or charges in respect of one or some of those offences ;
- (b) allow the promoter to amend the articles in any other way, but not so as to charge any new offence ;
- (c) allow the accused, if he has not lodged an answer to the articles, to put in an answer ;
- (d) allow the accused to amend his answer.

(2) If either party proposes to apply to the court to exercise any of its powers under this rule, he shall if practicable give notice in writing to the other party and the registrar, but the court may nonetheless exercise the said powers without notice. Forms 16 and 17.

(a) s. 28 (d) of the Measure requires not less than 14 clear days' notice of the sittings of the court to be given by the registrar to the promoter and the accused



(3) If the judge exercises his powers under this rule, he may do so on such terms, including the adjournment of the trial, as he thinks just.

(4) If the accused admits any offence charged by the articles or any act or omission alleged by the articles, the judge may treat the offence or the act or omission as proved and dispense with any evidence thereof, or may require such evidence as he thinks fit.

(5) If the accused has not lodged an answer and does not put in an answer under this rule, he shall be treated as having denied the offence or offences charged by the articles.

(6) If the answer of the accused fails to state or make clear whether he admits or denies any offence or allegation, he shall be treated as having denied it.

17.—(1) Without prejudice to section 28 of the Measure (which contains provisions as to the procedure at the trial), the following provisions of this rule shall apply with respect to the evidence at the trial.

(2) Subject as hereinafter provided, the evidence shall be given orally and on oath and in open court.

Forms 18  
and 19.

(3) The registrar may, on an application by either party before the hearing, or the judge may, on an application by either party made at the hearing, allow the evidence of any witness to be taken before an examiner, if he is satisfied that the witness is unable to attend at the trial by reason of illness, and allow the depositions so taken to be given in evidence.

(4) If either party proposes to make such an application at the hearing, he shall if practicable give notice in writing to the other party and to the registrar, but the court may nonetheless exercise its powers aforesaid without notice.

(5) An order for the giving of evidence by deposition may be made on such terms as the registrar or judge may direct.

(6) If an order is made for the taking of evidence before an examiner,—

(a) the judge may undertake the examination himself, and shall otherwise appoint in writing a fit person to be the examiner ;

(b) the examiner shall fix the time and place for the examination, and the registrar shall give 7 days' notice thereof to both parties, who shall be entitled to attend ;

(c) the witness shall be subject to examination and cross-examination.

(7) The party on whose application an order is made under this rule shall lodge the original depositions and 5 copies thereof with the registrar and shall serve one copy thereof on the other party.

#### *New trial*

18.—(1) If the judge of the consistory court orders the retrial of the accused under section 29 of the Measure, rule 15 shall apply for the purpose of selecting assessors for the retrial, and rules 16 and 17 shall apply to the proceedings at the retrial, in like manner as they apply to the trial.

(2) Unless the judge fixes the time and place of the retrial in the presence of the parties, the registrar shall give not less than 14 days' notice thereof.

(3) If the judge under the said section pronounces the accused to be acquitted of the offence or offences of which he is charged, the pronouncement shall be reduced to writing and copies thereof shall be given to both parties, and the registrar shall file a copy in the registry.

**PROCEDURE AFTER LAYING OF COMPLAINT AGAINST BISHOP  
FOR OFFENCE NOT INVOLVING MATTER OF DOCTRINE ETC.  
(PART V OF MEASURE)**

*Proceedings before episcopal committee*

**19.**—(1) The registrar, as soon as he knows the composition of the episcopal committee constituted under section 33(3) of the Measure to enquire into the complaint, and the name of the person summoned under section 33(4) to sit with them and act as their assessor in matters of law, shall give notice in writing of the names of the committee and the assessor to the complainant and the accused.

(2) Within 14 days after receiving the said notice, the complainant shall lodge with the registrar the original and 5 copies of the affidavits containing the evidence which he proposes to lay before the said committee under section 33(6) of the Measure and 5 copies of a notice in writing stating the name or names of the person or persons, if any, whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 33(6), and shall serve one copy of the affidavits and notice (if any) on the accused within the said period or as soon as possible thereafter.

(3) The service on the accused must be personal service and rule 58(1) shall apply thereto.

(4) Within 14 days after the service by the complainant of the copies of affidavits and the notice aforesaid, the accused shall lodge with the registrar the original and 4 copies of the affidavits containing the evidence which he proposes to lay before the committee under the said section 33(6) and 5 copies of a notice in writing stating the name or names of the person or persons, if any, whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 33(6), and shall serve one copy of the affidavits and notice (if any) on the complainant within the said period.

(5) No further affidavits shall be laid before the committee, except with the leave of the registrar.

**20.**—(1) The said committee shall as soon as possible fix the time and place at which the inquiry will be held, and it shall be not less than 28 days after the notification of the names of the committee and the assessor under the last foregoing rule, and the registrar shall give not less than 14 days' notice in writing of the time and place so fixed to the complainant and the accused.

(2) If it is necessary for the inquiry to be adjourned, the committee shall fix the time and place at which the inquiry will be resumed.

(3) Either the complainant or the accused may apply to the registrar for a postponement of the inquiry or, as the case may be, of the adjourned hearing and, if the application is granted, the inquiry

or hearing shall be postponed to such later time as the committee may fix, and the registrar shall give not less than 7 days' notice in writing to the parties of the time so fixed.

(4) The committee may at any time of their own motion postpone the inquiry or, as the case may be, the adjourned hearing to such later time as they may fix and the registrar shall give not less than 7 days' notice in writing thereof to the parties.

Form 20. **21.**—(1) Any application to the committee under section 33(6) of the Measure to request the attendance at the inquiry of a person making an affidavit shall be lodged with the registrar not less than 10 days

Form 21. before the day fixed for the inquiry, and any request by the committee for the attendance of any such person shall be made in writing not less than 4 days before his attendance is required.

(2) If the committee of its own motion requests the attendance of any such person, the registrar shall give notice in writing of the request to each party.

**22.** The committee shall send copies of their decision to the complainant and to the registrar, as well as to the persons to whom they are required to send copies thereof by section 33(9) of the Measure, and the registrar shall file his copy in the registry.

*Articles and answer thereto*

**23.**—(1) Subject to the following provisions of this rule, the person nominated to promote a complaint under section 33(7) of the Measure shall, within 28 days after his nomination, lodge with the registrar  
Form 22. 6 copies of the articles charging the offence or offences specified by  
Form 23. the committee, together with a certificate of his nomination signed by a member of the committee, and shall within the said period or as soon as possible thereafter serve a copy of the said articles on the accused.

The registrar shall forthwith give 5 of the copies lodged with him to the 5 members of the Commission of Convocation appointed under section 35 of the Measure.

(2) If the promoter wishes to apply to the said committee or commission under section 34 of the Measure for leave to include in the articles particulars of any offence not specified by the committee, being an offence founded on evidence disclosed in the course of the inquiry by the committee, he shall lodge with the registrar, within  
Form 24. 14 days after his nomination, 6 copies of an application in writing stating the offence to be included and the evidence on which he relies, and whether the application is to the committee or to the commission, and shall within the said period or as soon as possible thereafter serve a copy of the application on the accused.

(3) The registrar shall give not less than 7 days' notice in writing to the promoter and the accused of the time and place of the hearing of the application.

(4) If such an application is refused by the committee, a subsequent application may be made to the commission, and paragraphs (2) and (3) of this rule shall apply thereto, except that the period for lodging the notice of the application shall be 7 days after the date of the refusal of the previous application.

(5) If any application or applications is or are made under this rule, the period within which the articles must be lodged with the

registrar shall extend to 21 days after the date of the decision or, as the case may be, the second decision, and paragraph (1) of this rule shall apply accordingly.

(6) The service on the accused of a copy of the articles and of any application under this rule must be personal service, and rule 58(1) shall apply thereto.

**24.—(1)** The accused may, within 14 days after the service on him of the articles, lodge with the registrar 6 copies of an answer to the articles and serve one copy on the complainant.

The registrar shall give 5 of the copies lodged with him to the 5 members of the Commission of Convocation.

(2) If an answer is lodged, it shall admit or deny the offence, or if the articles specify two or more offences, each of the offences, and may also admit or deny, or give the accused's account or explanation of, the matters alleged in the articles to constitute the offence or offences.

#### *Fixing day of trial*

**25.—(1)** As soon as possible after he has received a copy of the articles, the Dean of the Arches and Auditor shall fix a time and place for the trial, and the time shall be not less than 28 days after the lodging of the articles.

(2) Either the promoter or the accused may apply to the registrar for a postponement of the time fixed for the trial and, if the application is granted, the trial shall be at such later time as the Dean of the Arches and Auditor may fix(a).

(3) The Dean of the Arches and Auditor may at any time of his own motion postpone the time fixed for the trial.

#### *Proceedings at trial.*

**26.—(1)** The Commission of Convocation may at the hearing, if they think that the interests of justice so require,—

- (a) allow the promoter to withdraw the articles or, if two or more offences are charged, to withdraw the charge or charges in respect of one or some of those offences ;
- (b) allow the promoter to amend the articles in any other way, but not so as to charge any new offence ;
- (c) allow the accused, if he has not lodged an answer to the articles, to put in an answer.
- (d) allow the accused to amend his answer.

(2) If either party proposes to apply to the court to exercise any of its powers under this rule, he shall if practicable give notice in writing to the other party and the registrar, but the court may nonetheless exercise the said powers without notice. Forms 25  
and 26.

(3) If the commission exercise their powers under this rule, they may do so on such terms, including the adjournment of the trial, as they think just.

(4) If the accused admits any offences charged by the articles or any act or omission alleged by the articles, the commission may treat the offence or the act or omission as proved and dispense with any evidence thereof, or may require such evidence as they think fit.

(a) s. 36 (e) of the Measure requires not less than 14 clear days' notice of the sittings of the court to be given by the registrar to the promoter and the accused.

(5) If the accused has not lodged an answer and does not put in an answer under this rule, he shall be treated as having denied the offence or offences charged with the articles.

(6) If the answer of the accused fails to state or make clear whether he admits or denies any offence or allegation, he shall be treated as having denied it.

**27.**—(1) Without prejudice to section 36 of the Measure (which contains provisions as to the procedure at the trial), the following provisions of this rule shall apply with respect to the evidence at the trial.

(2) Subject as hereinafter provided, the evidence shall be given orally and on oath and in open court.

Forms 27  
and 28.

(3) The registrar may, on an application by either party before the hearing, or the commission may, on an application by either party made at the hearing, allow the evidence of any witness to be taken before an examiner, if the registrar or commission is satisfied that the witness cannot attend at the trial by reason of illness, and allow the depositions so taken to be given in evidence.

(4) If either party proposes to make such an application at the hearing, he shall if practicable give notice in writing to the other party and to the registrar, but the commission may nonetheless exercise its powers aforesaid without notice.

(5) An order for the giving of evidence by deposition may be made on such terms as the registrar or commission may direct.

(6) If an order is made for the taking of evidence before an examiner,—

(a) the Dean of the Arches and Auditor may undertake the examination himself, and shall otherwise appoint in writing a fit person to be the examiner;

(b) the examiner shall fix the time and place for the examination, and the registrar shall give 7 days' notice thereof to both parties who shall be entitled to attend;

(c) the witness shall be subject to examination and cross-examination.

(7) The party on whose application an order is made under this rule shall lodge the original depositions and 5 copies thereof with the registrar and shall serve one copy thereof on the other party.

*Time for pronouncement of censure*

**28.** Where the finding is one of guilt, the censure shall not be pronounced under section 37 of the Measure until the time for lodging a petition under rule 44 has expired or, if a petition is lodged, until the proceedings thereon have been finally concluded.

**PROCEDURE AFTER LAYING OF COMPLAINT FOR OFFENCE INVOLVING MATTER OF DOCTRINE ETC. (PART VI OF MEASURE)**

*Dismissal of complaint by bishop or archbishop*

**29.** If the bishop decides under section 39 of the Measure, or the archbishop decides under section 40 of the Measure, that no further step be taken in the matter of the complaint, he shall, in addition to the notices required by those sections to be given to the complainant and to the accused, give written notice of his decision to the registrar, who shall file it in the registry.

*Proceedings before committee of convocation*

30.—(1) The registrar shall, as soon as he knows the composition of the committee constituted under section 42(3) of the Measure to enquire into the complaint, give notice in writing of the names of the committee to the complainant and the accused.

(2) Within 14 days after receiving the said notice, the complainant shall lodge with the registrar the original and a sufficient number of copies for the registrar and the members of the committee of the affidavits containing the evidence which he proposes to lay before the committee under section 42(5) of the Measure, and the same number of copies of a notice in writing stating the name or names of the person or persons, if any, whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 42(5), and shall serve one copy of the affidavits and notice (if any) on the accused within the said period or as soon as possible thereafter.

(3) The service on the accused must be personal service, and rule 58(1) shall apply thereto.

(4) Within 14 days after the service by the complainant of the copies of affidavits and the notice aforesaid, the accused shall lodge with the registrar the original and a sufficient number of copies as aforesaid of the affidavits containing the evidence which he proposes to lay before the committee under the said section 33(6) and the same number of copies of a notice in writing stating the name or names of the person or persons, if any, whom he is proposing to call to give oral evidence at the inquiry by virtue of the proviso to the said section 42(5), and shall serve one copy of the affidavits and notice (if any) on the complainant within the said period.

(5) No further affidavits shall be laid before the committee, except with the leave of the registrar.

31.—(1) The said committee shall as soon as possible fix the time and place at which the inquiry will be held, and it shall be not less than 28 days after the notification of the names of the committee under the last foregoing rule, and the registrar shall give not less than 14 days' notice in writing of the time and place so fixed to the complainant and the accused.

(2) If it is necessary for the inquiry to be adjourned, the committee shall fix the time and place at which the inquiry will be resumed.

(3) Either the complainant or the accused may apply to the registrar for a postponement of the inquiry or, as the case may be, of the adjourned hearing and, if the application is granted, the inquiry or hearing shall be postponed to such later time as the committee may fix, and the registrar shall give not less than 7 days' notice in writing to the parties of the time so fixed.

(4) The committee may at any time of their own motion postpone the inquiry or, as the case may be, the adjourned hearing to such later time as they may fix and the registrar shall give not less than 7 days' notice in writing thereof to the parties.

- Form 29. 32.—(1) Any application to the committee under section 42(5) of the Measure to request the attendance at the inquiry of a person making an affidavit shall be lodged with the registrar not less than 10 days before the day fixed for the inquiry, and any request by the committee for the attendance of any such person shall be made in writing not less than 4 days before his attendance is required.

(2) If the committee of its own motion requests the attendance of any such person, the registrar shall give notice in writing of the request to each party.

33. The committee shall send copies of their decision or decisions to the complainant and to the registrar, as well as to the body and persons to whom they are required to send copies thereof by section 42(9) of the Measure, and the registrar shall file his copy in the registry.

*Articles and answer thereto*

- 34.—(1) Subject to the following provisions of this rule, the person nominated to promote a complaint under section 43 of the Measure shall, within 28 days after his nomination, lodge with the registrar 11 copies of the articles charging the offence or offences specified by the committee of inquiry, together with a certificate of his nomination signed by the registrar of the Upper House of the Convocation of the relevant province, and shall within the said period or as soon as possible thereafter serve a copy of the said articles on the accused.

The registrar shall forthwith give 5 of the copies lodged with him to the 5 judges of the Court of Ecclesiastical Causes Reserved, and up to 5 copies shall be available for the court's advisers.

- (2) If the promoter wishes to apply to the said committee or court under section 44 of the Measure for leave to include in the articles particulars of any offence not specified by the committee, being an offence founded on evidence disclosed in the course of the inquiry by the committee, he shall lodge with the registrar, within 14 days after his nomination, 6 or 11 copies (according to whether the application is to the committee or the court) of an application in writing stating the offence to be included and the evidence on which he relies, and whether the application is to the committee or to the court, and shall within the said period or as soon as possible thereafter serve a copy of the application on the accused.

(3) The registrar shall give not less than 7 days' notice in writing to the promoter and the accused of the time and place of the hearing of the application.

(4) If such an application is refused by the committee, a subsequent application may be made to the court, and paragraphs (2) and (3) of this rule shall apply thereto, except that the period for lodging the application shall be 7 days after the date of the refusal of the previous application.

(5) If any application or applications is or are made under this rule, the period within which the articles must be lodged with the registrar shall extend to 21 days after the date of the decision or, as the case may be, the second decision, and paragraph (1) of this rule shall apply accordingly.

(6) The service on the accused of a copy of the articles and of any application under this rule must be personal service, and rule 58(1) shall apply thereto.

35.—(1) The accused may, within 14 days after the service on him of the articles, lodge with the registrar 11 copies of an answer to the articles and serve one copy on the complainant.

The registrar shall give 5 of the copies lodged with him to the 5 judges of the said court, and up to 5 copies shall be available for the court's advisers.

(2) If an answer is lodged, it shall admit or deny the offence, or if the articles specify two or more offences, each of the offences, and may also admit or deny, or give the accused's account or explanation of, the matters alleged in the articles to constitute the offence or offences.

#### *Fixing day of trial*

36.—(1) As soon as possible after he has received a copy of the articles, the presiding judge of the said court shall fix a time and place for the trial, and the time shall be not less than 28 days after the lodging of the articles.

(2) The registrar shall, as soon as the Dean of the Arches and Auditor has selected under section 45(2) of the Measure the advisers who are to sit with the court, give notice in writing of their names to the promoter and the accused.

(3) Either the promoter or the accused may apply to the registrar for a postponement of the time fixed for the trial and, if the application is granted, the trial shall be at such later time as the presiding judge may fix(a).

(4) The presiding judge may at any time of his own motion postpone the time fixed for the trial.

#### *Proceedings at trial*

37.—(1) The Court of Ecclesiastical Causes Reserved may at the trial, if they think that the interests of justice so require:—

- (a) allow the promoter to withdraw the articles or, if two or more offences are charged, to withdraw the charge or charges in respect of one or some of those offences;
- (b) allow the promoter to amend the articles in any other way, but not so as to charge any new offence;
- (c) allow the accused, if he has not lodged an answer to the articles, to put in an answer;
- (d) allow the accused to amend his answer.

(2) If either party proposes to apply to the court to exercise any of its powers under this rule, he shall if practicable give notice in writing to the other party and the registrar, but the court may nonetheless exercise the said powers without notice. Forms 34  
and 35.

(3) If the court exercises their powers under this rule, they may do so on such terms, including the adjournment of the trial, as they think just.

(4) If the accused admits any offence charged by the articles or any act or omission alleged by the articles, the court may treat the

(a) s. 45(1) (d) of the Measure requires not less than 14 clear days' notice of the sittings of the court to be given by the registrar to the promoter and the accused.



offence or the act or omission as proved and dispense with any evidence thereof, or may require such evidence as they think fit.

(5) If the accused has not lodged an answer and does not put in an answer under this rule, he shall be treated as having denied the offence or offences charged by the articles.

(6) If the answer of the accused fails to state or make clear whether he admits or denies any offence or allegation, he shall be treated as having denied it.

**38.**—(1) Without prejudice to section 45(1) of the Measure (which contains provisions as to the procedure at the trial), the following provisions of this rule shall apply with respect to the evidence at the trial.

(2) Subject as hereinafter provided, the evidence shall be given orally and on oath and in open court.

Forms 36  
and 37.

(3) The registrar may, on an application by either party before the hearing, or the Court of Ecclesiastical Causes Reserved may, on the application of either party made at the hearing, allow the evidence of any witness to be taken before an examiner, if the registrar or court is satisfied that the witness cannot attend at the trial by reason of illness, and allow the depositions so taken to be given in evidence.

(4) If either party proposes to make such an application at the hearing, he shall if practicable give notice in writing to the other party and to the registrar, but the court may nonetheless exercise its powers aforesaid without notice.

(5) An order for the giving of evidence by deposition may be made on such terms as the registrar or court may direct.

(6) If an order is made for the taking of evidence before an examiner—

(a) the court shall appoint in writing a fit person to be the examiner ;

(b) the examiner shall fix the time and place for the examination, and the registrar shall give 7 days' notice thereof to both parties, who shall be entitled to attend ;

(c) the witness shall be subject to examination and cross-examination.

(7) The party on whose application an order is made under this rule shall lodge the original depositions and 10 copies thereof with the registrar and shall serve one copy thereof on the other party.

#### PROCEDURE ON APPEALS TO ARCHES AND CHANCERY COURTS (SECTIONS 7 AND 47 OF MEASURE)

##### *Lodging of Appeal*

**39.**—(1) Where in proceedings for an offence under the Measure the accused wishes to appeal on a question of fact, or either party wishes to appeal on a question of law, from a judgment of the consistory court to the Arches Court of Canterbury or, as the case may be, the Chancery Court of York, the appeal must be lodged, in the manner hereinafter provided, within 28 days after the decision of the consistory court.

(2) The lodging of an appeal shall be effected by—

(a) lodging six copies of the notice of appeal with the registrar of the appellate court,

(b) lodging one copy thereof with the registrar (as defined in rule 2),

(c) serving one copy on the other party.

(3) The notice shall be in the appropriate form set out in the Appendix and shall state the grounds of the appeal and, if the judgment of the consistory court comprised findings in respect of two or more offences, and the appeal is from one or some of the findings only, shall specify the finding or findings appealed from. Forms 38  
and 39.

(4) Except with the leave of the appellate court, the appellant shall not be entitled on the hearing of the appeal to rely on any grounds not stated in the notice of appeal, whether as originally lodged or, if amended under the next following rule, as so amended.

(5) The registrar of the appellate court shall file one copy of the notice of appeal in the registry of the court.

(6) As soon as he receives his copy of the notice of appeal, the registrar (as defined in rule 2) shall transmit the record of the proceedings, and any documents and exhibits lodged with him or in his custody relating to the proceedings, to the registrar of the appellate court, and shall also request the judge of the consistory court to send his note of the trial to the registrar of the appellate court; and the parties shall be entitled, on reasonable notice, to inspect the said record, documents, exhibits and judge's note and to take extracts therefrom or make copies thereof.

#### *Amendment or withdrawal of appeal*

40.—(1) The appellate court may at the hearing, or the Dean of the Arches and Auditor may at any time before the hearing, on an application by the appellant,—

- (a) allow the appeal to be withdrawn,
- (b) allow the notice of appeal to be amended.

(2) The terms on which an order is made allowing amendment of the notice may include the adjournment or postponement of the hearing.

(3) If the appellant proposes to apply to the appellate court at the hearing to exercise its powers under this rule, he shall if practicable give notice in writing to the respondent and the registrar of that court, but without prejudice to the exercise of those powers without notice. Form 40.

#### *Fixing day of hearing*

41.—(1) The appellate court shall fix a time for the hearing of the appeal, which shall be not less than 28 days after the lodging of the appeal.

(2) Either the promoter or the accused may apply to the registrar of the appellate court for a postponement of the hearing and, if the application is granted, the hearing shall be at such later time as the appellate court may fix.

(3) The appellate court may at any time of its own motion postpone the hearing of the appeal.

(4) The registrar of the appellate court shall give not less than 14 days' notice of the sittings of the court to both parties.

#### *Proceedings before Appellate Court*

42.—(1) On an appeal brought by the accused on a question of fact, the following provisions shall apply :—

- (a) the note of the judge of the consistory court and all documents and exhibits transmitted under rule 39(6), so far as material to the appeal, shall be available for use at the hearing;
- (b) if a shorthand note of the evidence at the trial has been taken, the appellate court may require or allow it to be used at the hearing, on such terms as it may direct;

(c) the appellate court may require or allow—

- (i) any witnesses who gave evidence for the purposes of the trial to give evidence for the purposes of the appeal, either at the hearing or before an examiner ;
- (ii) any documents or exhibits produced at the trial (in addition to those transmitted as aforesaid) to be produced at the hearing ;
- (iii) in exceptional circumstances, new witnesses to give evidence at the hearing or before an examiner, or other new evidence to be produced.

Form 41. (2) If either party proposes to apply to the court to exercise its powers under sub-paragraph (b) or (c) of the foregoing paragraph, he shall if practicable give notice in writing to the other party and to the registrar of the appellate court, but without prejudice to the exercise of the said powers without notice.

(3) On an appeal brought by either party on a question of law, the provisions of paragraph (1) of this rule shall apply to such extent as the appellate court thinks necessary for the purpose of examining any matters of fact relevant to the determination of the question of law, and paragraph (2) shall apply accordingly.

*Powers of determination of Appellate Court*

43.—(1) On any appeal the appellate court shall determine the question or questions raised by the appeal, and may thereupon confirm, reverse or vary any finding of the consistory court against which the appeal is brought, or may remit the case with their determination to the consistory court to take such further proceedings therein as they may direct.

(2) The powers of the appellate court shall include power to vary the censure or impose a censure for any offence in respect of which they confirm, vary or make a finding of guilt, but without prejudice to their power to remit the decision as to the censure to the consistory court.

(3) The determination of any matter before the appellate court shall be according to the opinion of the majority of the members thereof.

(4) The registrar of the appellate court shall give notice in writing to the registrar (as defined in rule 2) of any determination or directions made or given by the appellate court, and if the case is remitted to the consistory court for further proceedings therein, the judge of the consistory court shall fix a time and place for such proceedings and rules 14(2) and (3) and 15 to 17 shall apply for the purposes of those further proceedings, with the necessary modifications, in like manner as they apply for the purposes of the original trial.

PROCEDURE ON REVIEW BY COMMISSION OF REVIEW  
(SECTIONS 11 AND 48 OF MEASURE)

*Lodging of Petition*

44.—(1) Where the accused wishes that

- (a) a finding of any Commission of Convocation under Part V of the Measure, or
- (b) a finding of the Court of Ecclesiastical Causes Reserved under Part VI of the Measure,

should be reviewed on a question of fact by a Commission of Review, or where either party wishes that any such finding should be reviewed on a question of law by a Commission of Review, the petition must be lodged, in the manner hereinafter provided, within 28 days after the finding to which the petition relates.

(2) The lodging of a petition shall be effected by—

(a) lodging six copies thereof with the Clerk to the Crown in Chancery,

(b) lodging one copy thereof with the registrar,

(c) serving one copy on the other party.

(3) The petition shall be in the appropriate form set out in the Appendix and shall state the grounds of the petition, and if the judgment of the Commission of Convocation or Court of Ecclesiastical Causes Reserved comprised findings in respect of two or more offences, and the petition only relates to one or some of those findings, shall specify the finding or findings concerned.

Forms 42,  
43, 44 and 45

(4) Except with the leave of the Commission of Review, the petitioner shall not be entitled on the hearing of the petition to rely on any grounds not stated in the petition, whether as originally lodged or, if amended under the next following rule, as so amended.

(5) As soon as a petition under this rule has been lodged, the Clerk to the Crown in Chancery shall appoint a person to be the registrar of the Commission of Review, and shall hand over the six copies of the petition to the registrar so appointed, who shall file one of them.

(6) As soon as he receives his copy of the petition, the registrar (as defined in rule 2) shall transmit the record of the proceedings, and any documents and exhibits lodged with him or in his custody relating to the proceedings, to the registrar of the Commission of Review, and shall also request the judge who presided at the trial to send his note of the trial to the latter registrar; and the parties shall be entitled, on reasonable notice, to inspect the said record, documents, exhibits and judge's note and to take extracts therefrom or make copies thereof.

(7) The registrar of the Commission of Review shall notify to both parties the names of the members of the Commission and, in a case involving a question of doctrine, the persons selected under section 48(3) of the Measure to sit with the Commissioners as advisers.

#### *Amendment or withdrawal of petition*

45.—(1) The Commission of Review may at the hearing, or the presiding judge may at any time before the hearing, on an application by the petitioner,—

(a) by order allow the petition to be withdrawn,

(b) by order allow the petition to be amended.

(2) The terms on which an order is made allowing amendment of a petition may include the adjournment or postponement of the hearing.

(3) If the petitioner proposes to apply to the Commission of Review at the hearing to exercise its powers under this rule, he shall if practicable give notice in writing to the respondent and the registrar

Form 46.

of the Commission, but without prejudice to the exercise of those powers without notice.

*Fixing day of hearing*

46.—(1) The Commission of Review shall fix a time for the hearing of the petition, which shall be not less than 28 days after the lodging of the petition.

(2) Either the promoter or the accused may apply to the registrar of the Commission for a postponement of the hearing and, if the application is granted, the hearing shall be at such later time as the Commission may fix.

(3) The Commission may at any time of its own motion postpone the hearing of the petition.

(4) The registrar of the Commission shall give not less than 14 days' notice of the sittings of the court to both parties.

*Proceedings before Commission of Review*

47.—(1) On a review on a question of fact, the following provisions shall apply :—

- (a) the note of the judge who presided at the trial and all documents and exhibits transmitted under rule 44(6), so far as material to the review, shall be available for use at the hearing ;
- (b) if a shorthand note of the evidence at the trial has been taken, the Commission of Review may require or allow it to be used at the hearing, on such terms as it may direct ;
- (c) the Commission of Review may require or allow—
  - (i) any witnesses who gave evidence for the purposes of the trial to give evidence for the purposes of the review, either at the hearing or before an examiner ;
  - (ii) any documents or exhibits produced at the trial (in addition to those transmitted as aforesaid) to be produced at the hearing ;
  - (iii) in exceptional circumstances, new witnesses to give evidence at the hearing or before an examiner, or other new evidence to be produced.

Form 47. (2) If either party proposes to apply to the Commission to exercise its powers under sub-paragraph (b) or (c) of the foregoing paragraph, he shall if practicable give notice in writing to the other party and to the registrar of the Commission, but without prejudice to the exercise of the said powers without notice.

(3) On a review of a question of law, the provisions of paragraph (1) of this rule shall apply to such extent as the Commission of Review thinks necessary for the purpose of examining any matters of fact relevant to the determination of a question of law, and paragraph (2) shall apply accordingly.

48.—(1) On any review the Commission of Review shall determine the question or questions raised by the petition, and may thereupon confirm, reverse or vary any finding of the Commission of Convocation or the Court of Ecclesiastical Causes Reserved, as the case may be, against which the petition is brought, or may remit the case with their determination to the latter commission or court to take such further proceedings therein as the Commission of Review may direct:

Provided that, if the review is of a finding of a Commission of Convocation, the Commission of Review shall not make a finding of guilt (whether by way of variation or reversal of the finding reviewed), but shall exercise instead their power of remitting the case to the Commission of Convocation with their determination and directions thereon.

(2) Where the review is of a finding of the Court of Ecclesiastical Causes Reserved, the powers of the Commission of Review shall include power to vary the censure or impose a censure for any offence in respect of which they confirm, vary or make a finding of guilt, but without prejudice to their power to remit the decision as to the censure to the said court.

(3) The Registrar of the Commission of Review shall give notice in writing to the registrar (as defined in rule 2) of any determination or directions made or given by the Commission of Review, and if the case is remitted to the Commission of Convocation or, as the case may be, the Court of Ecclesiastical Causes Reserved for further proceedings therein, the Dean of the Arches and Auditor or, as the case may be, the presiding judge of the said court shall fix a time and place for such proceedings, and rules 25(2) and (3), 26 and 27 or, as the case may be, rules 36(2) to (4), 37 and 38 shall apply for the purposes of those further proceedings, with the necessary modifications, in like manner as they apply for the purposes of the original trial.

**DEPOSITION FOLLOWING CENSURE OF DEPRIVATION  
(SECTIONS 50 AND 51 OF MEASURE)**

*Deposition of priest or deacon*

49.—(1) The notice which a bishop is required by the proviso to section 50 of the Measure to serve on a priest or deacon of his intention to depose him from Holy Orders shall be in the form set out in the Appendix. Form 48.

(2) After the said notice has been served, the bishop shall fix a time, not less than one month after the service of the notice, and a place for the sentence of deposition to be pronounced:

Provided that, if there is an appeal under the said proviso, and the deposition is accordingly only to be proceeded with in the event of the appeal being dismissed, the bishop shall (in that event) fix a time for the sentence of deposition to be pronounced not less than fourteen days after the dismissal of the appeal.

(3) The registrar shall give the priest or deacon concerned not less than fourteen days notice of the time and place fixed for the pronouncement of the sentence of deposition.

50.—(1) If the priest or deacon concerned wishes to appeal to the archbishop under the said proviso, three copies of the notice of appeal must be lodged within the period mentioned in the said proviso (one month from the date of the bishop's notice of intention aforesaid), with the registrar of the relevant province,

(2) The notice shall be in the form set out in the Appendix, and shall specify the grounds of the appeal and contain a prayer that the sentence of deposition be not delivered. Form 49.

(3) The registrar shall file one copy of the notice of appeal in the registry of the province, and shall give one copy to the archbishop to whom the appeal is addressed, and shall send the remaining copy to the registrar of the diocese, who shall inform the bishop thereof.

(4) On receipt of a copy of the notice of appeal, the registrar of the diocese shall forthwith transmit the record of the case (including a copy of the bishop's notice referred to in the last foregoing rule) to the registrar of the province, who shall place it before the archbishop to whom the appeal is addressed.

(5) The appeal shall be heard at such time and place as the archbishop may fix, and the registrar of the province shall give to the priest or deacon concerned not less than 14 days' notice of the time and place so fixed.

(6) The defendant may either appear in person at the hearing of the appeal or be represented by solicitor or counsel.

(7) If the archbishop does not declare his decision at the conclusion of the hearing of the appeal, he shall fix a time and place for that purpose, and the registrar of the province shall give the priest or deacon concerned not less than 3 days' notice thereof.

(8) The registrar of the province shall give notice in writing of the decision to the priest or deacon concerned and to the registrar of the diocese, who shall record the decision in the registry and inform the bishop of the diocese.

#### *Deposition of Archbishop or Bishop*

51. The notice which is required by the proviso to section 51 of the Measure to be served on a bishop or archbishop before a resolution is moved in the Upper House of Convocation of the relevant province to depose him from Holy Orders shall be in the form set out in the Appendix.

Form 50.

#### DEPRIVATION CONSEQUENT UPON CERTAIN PROCEEDINGS IN SECULAR COURTS (PART IX OF MEASURE)

52.—(1) Where under section 55 or section 56 of the Measure—

- (a) a bishop has a duty to declare a priest or deacon to be deprived of a preferment and to be disqualified from holding preferment, in consequence of such a conviction, order or finding of a secular court as is mentioned in subsection (1) of the said section 55, or has power to make such a declaration in consequence of such an order as is mentioned in subsection (3) of the said section ; or
- (b) an archbishop has a duty to make such a declaration under subsection (2) of the said section in default of a bishop discharging his duty under the said subsection (1) ; or
- (c) an archbishop has a duty under section 56 of the Measure to make such a declaration in respect of a bishop or archbishop in consequence of any such conviction, order or finding as is mentioned in the said subsection (1) or subsection (3) ;

the bishop or archbishop shall, before making the declaration, require the registrar of his diocese or province to give not less than 14 days' notice in writing to the priest, deacon, bishop or archbishop in respect of whom the declaration is to be made of the time and place at which the declaration will be made, and the person so notified shall be entitled to be present when the declaration is made.

(2) The bishop or archbishop shall be attended by the registrar of his diocese or province when making any such declaration, and the declaration shall be reduced to writing and a copy thereof shall be filed by the registrar in the registry.

(3) Where, in consequence of any such declaration, the provisions of the Measure relating to deposition from Holy Orders apply by virtue of section 57 of the Measure, the last 3 foregoing rules shall also apply.

(4) The certificate of a conviction, finding or order of a temporal court which the court is required to send to the bishop of the diocese by Section 79(3) of the Measure shall be signed by the registrar, clerk or other proper officer of the court.

#### COSTS (PART X OF MEASURE)

53.—(1) No party shall be entitled to recover any costs of or incidental to proceedings for an offence under the Measure except under an order made by a court, commission, committee or examiner under section 60(2) of the Measure.

(2) In the case of an appeal or a petition for review, the costs of the proceedings giving rise to the appeal or petition, as well as the costs of the appeal or petition, may be dealt with by the court or commission hearing the appeal or petition.

54.—(1) Where an order is made as aforesaid for the payment of taxed costs, they shall be taxed by the registrar, who shall have power to require the attendance of witnesses and the production of documents, so far as necessary for the discharge of his functions.

(2) Proceedings for the taxation of costs shall be commenced by—

- (a) lodging with the registrar an application in writing, together with the bill of costs and all necessary papers and vouchers ; Form 51.
- (b) serving on the other party a copy of the application and of the bill of costs.

(3) The registrar shall thereupon fix a day for the taxation, and shall give not less than 7 days' notice thereof to both parties.

(4) If the party other than the applicant does not attend at the time and place so fixed, the registrar, if satisfied that he had due notice thereof, may proceed with the taxation.

(5) The registrar, in deciding the amount of costs to be allowed, shall have regard to the current scale of costs applicable to a taxation on a party and party basis in the High Court.

55.—(1) Any party to proceedings for an offence under the Measure, or his solicitor, may apply to the registrar to tax the costs of or incidental to the proceedings as between solicitor and client, and paragraphs (2), (3) and (4) of the last foregoing rule shall apply, with necessary modifications, to such taxation.

(2) In taxing such costs the registrar shall have regard to the practice applicable in the High Court to the taxation of costs as between solicitor and client.

56.—(1) Any party to taxation proceedings who is dissatisfied with any decision of the registrar, may apply for it to be reviewed by the judge.

(2) The application for a review must be made in writing within 7 days after the decision, and shall set out the grounds of the objection and shall be lodged with the registrar, and a copy thereof served on the other party. Form 52.



(3) The judge shall fix the time and place of the review, and shall require the registrar to give both parties not less than 3 days' notice thereof.

(4) Unless the judge otherwise directs, no further evidence shall be received on the hearing of the application, and no ground of objection shall be raised which was not set out in the application but, save as aforesaid, the judge may exercise all such powers and discretion as are vested in the registrar.

(5) In this rule "judge" means—

(a) in a case where the taxation was by the registrar of a diocese, the judge of the consistory court of that diocese ;

(b) in any other case, the Dean of the Arches and Auditor or a deputy nominated by him for the purpose.

#### GENERAL PROVISIONS

##### *Proceedings in absence of accused*

57. An examiner, committee, court or commission may proceed with an inquiry, trial, appeal or review, as the case may be, in respect of an offence under the Measure, notwithstanding that the accused does not appear and is not represented at the hearing, if the examiner, committee, court or commission is satisfied by affidavit or oral evidence that the accused was duly served in accordance with these rules (including the provision for substituted service) with the complaint and all other documents required to be served on him.

##### *Service and lodging of documents*

Form 53. 58.—(1) Where any of these rules requires the service of any document on the accused to be personal service, service shall be effected by leaving a copy of the document with the accused personally, and an affidavit of such service shall be lodged with the registrar within three days after it has been effected:

Provided that—

Form 54. (a) if service of the document is acknowledged in writing by the accused or his solicitor, and a copy of the acknowledgment is lodged with the registrar, the document shall be deemed to have been personally served on the accused ;

Form 55. (b) if, on an application made in writing to the registrar supported by affidavit, the registrar is satisfied that it is impracticable to serve the document personally, the registrar may grant leave to effect substituted service, that is to say, to take such steps as the registrar may direct to bring the document to the notice of the person to be served, and the substituted service shall be deemed to be personal service.

(2) Service of any document, not being a document which by virtue of any of these rules is required to be served personally, may be effected:—

(a) by leaving the document at the proper address of the person to be served, or

(b) by sending it by the recorded delivery service to that address, or

(c) in such other manner as the registrar may direct.

Form 56. (3) An affidavit of service, whether it be personal service or service under the last foregoing paragraph, must state by whom the document

was served, the date on which it was served, and where and how it was served.

(4) For the purposes of this rule, and of section 26 of the Interpretation Act 1889(a) (as applied by the Interpretation Measure 1925) in its application to this rule, the proper address of any person on whom the document is to be served under this rule shall be the address for service of that person, but if at the time when service is effected that person has no address for service, his proper address for the purposes aforesaid shall be—

- (a) the business address of the solicitor (if any) who is acting for him in the proceedings, or
- (b) his usual or last known address.

(5) Where a complaint is laid by a number of persons, the service of one copy of a document at the address for service specified in the complaint shall be deemed to be service on all those persons.

59. Any document required by these rules to be lodged with a registrar may be lodged by delivering the document at the office of the registrar, or by sending it by post properly addressed to the registrar at his office.

#### *Interlocutory applications*

60.—(1) This rule applies to all applications to the registrar except applications for taxation of costs (for which provision is made by rule 54) and applications for substituted service, and applies also to applications made to the Dean of the Arches and Auditor under rule 40 or to the presiding judge of a Commission of Review under rule 45.

(2) All applications shall be in writing and shall be lodged with the registrar, and a copy thereof shall be served on the other party. Form 57.

(3) The registrar may grant any application made to him, without a hearing, if there is lodged with the application a consent in writing signed by the other party or his solicitor, or if the registrar is otherwise satisfied that the other party does not oppose the application.

(4) In any other case, including an application made to the Dean of Arches and Auditor or the presiding judge as aforesaid, the registrar shall fix a time and place for the hearing thereof, and shall give not less than 3 days' notice in writing of the time and place to both parties.

(5) Any application granted under these rules may be granted on such terms as the person or body granting the application may think just.

(6) Either party may appeal from a decision of the registrar—

(a) on an application made before the conclusion of the inquiry into the complaint, to the examiner or committee of inquiry, as the case may be ;

(b) in any other case to the judge ;

and the notice of appeal must be lodged with the registrar within 7 days after the decision, and the registrar shall fix the time and place of the hearing of the appeal and give not less than 3 days' notice thereof in writing to both parties. Form 58.

**(7) In this rule—**

“the registrar” means, in relation to proceedings on an appeal to the Arches Court of Canterbury or the Chancery Court of York, or on a petition to a Commission of Review, the registrar of the Court or Commission ;

“the judge” means—

- (a) in relation to proceedings before the consistory court, the judge of that court ;
- (b) in relation to proceedings before a commission of convocation, the Dean of the Arches and Auditor ;
- (c) in relation to proceedings before the Court of Ecclesiastical Causes Reserved, such one of the two judges other than bishops as may be agreed between them ;
- (d) in relation to proceedings on an appeal to the Arches Court of Canterbury or the Chancery Court of York, the Dean of the Arches and Auditor ; and
- (e) in relation to proceedings on a petition to a Commission of Review, the presiding judge of that Commission.

*Representation of parties*

**61.—(1)** At the hearing of any interlocutory application under these rules made before the conclusion of the inquiry into the complaint, either party may appear in person or, if he so desires, be assisted or represented by a friend or adviser(a).

(2) In any subsequent proceedings either party may appear in person or be represented by counsel or solicitor.

*Production and inspection of documents and attendance of witnesses*

**62.—(1)** Either party to proceedings under the Measure in the consistory court, commission of convocation or Court of Ecclesiastical Causes Reserved, may apply to the registrar for an order—

- Form 59. (a) requiring the other party to produce for the applicant's inspection any document specified in the application, and to allow the applicant to take copies thereof ;
- Form 60 and 61. (b) requiring the other party or any other person to produce at the trial any document so specified ;
- Form 62. (c) requiring the attendance of any person for the purpose of giving evidence at the trial.

(2) At the trial of any such proceedings, or at the hearing of any appeal or petition in respect of such proceedings, the court or commission shall have power, whether on the application of either party or on its own motion, to make any such order as is mentioned in the foregoing paragraph.

Forms—  
see note at  
end of  
Appendix.

(3) Where in any such proceedings, or in any proceedings on an appeal to the Arches Court of Canterbury or the Chancery Court of York or on a petition to a Commission of the Review, the court or commission orders the taking of the evidence of any person before an examiner, either party may apply to the registrar (including the registrar of the appellate court or the Commission of Review) for an order requiring the attendance of that person before the examiner.

(4) An order made under paragraph (1)(a) of this rule shall specify the period within which it is to be complied with, and it shall be the

(a) As regards the inquiry itself, similar provision is made by sections 24(2), 33(5) and 42(4) of the Measure.

duty of the party to whom it is addressed to give notice to the applicant of the time and place at which the document or documents will be produced for inspection and copying.

(5) If an order made under this rule is addressed to a party, and was not made at a hearing attended by that party, the applicant for the order shall serve a copy of it on that party.

(6) The applicant shall serve a copy of any order made under this rule and addressed to a person other than a party, on that person, and shall give him not less than 3 days' notice in writing of the time and place at which his attendance is required, or at which he is required to produce any document.

### *Time*

**63.** Where any act is required by these rules to be done by the complainant or the promoter or the accused within a specified period, he may apply to the registrar for an enlargement or abridgement of that period and an application for enlargement may be made notwithstanding that the period has expired.

**64.—(1)** Where any act is required by these rules to be done within a specified period after a specified date or event, the period shall begin immediately after that date or, as the case may be, immediately after the day on which that event occurred.

(2) Where these rules require not less than a specified number of days' notice to be given of any proceeding, at least that number of days must intervene between the day on which the notice is served and the day fixed for that proceeding.

(3) Where these rules require the time fixed for any proceeding to be not less than a specified number of days after a specified event, at least that number of days must intervene between the day on which the event occurred and the day fixed for the proceeding.

(4) In calculating, for the purposes of these rules, any period or number of days not exceeding 7 days, any Saturday, Sunday or Bank Holiday shall be disregarded.

In this paragraph "Bank Holiday" means a day which is, or is to be observed as, a Bank Holiday, or a holiday, under the Bank Holidays Act 1871(a) or the Holidays Extension Act 1875(b), in England and Wales, and includes Christmas Day and Good Friday.

### *Effect of non-compliance with rules*

**65.** Non-compliance with any of these rules shall not render any proceedings void unless the court or commission before whom the proceedings are pending when the irregularity is discovered so directs, but the proceedings may be set aside, either wholly or in part, as irregular, or may be amended or otherwise dealt with in such manner and upon such terms as the court thinks fit.

For the purposes of this rule all proceedings up to the trial shall be deemed to be pending in the trial court or commission.

### *Use of forms in Appendix*

**66.** Subject to any rule expressly requiring a document to be in the form set out in the Appendix, the forms in the Appendix shall be used where applicable and where they are not applicable forms of the like character, with such variations as circumstances may require, shall be used.

Dated the second day of October 1964.

*J. R. Cumming Bruce.*

*G. W. O. Addleshaw.*

*D. M. M. Carey.*

*Gerald Cestr.*

*R. H. Mais.*

*L. H. Orford.*

*J. S. Widdows.*

*Henry Willink.*

Approved by the Church Assembly the third day of November 1964.

*John Guillum Scott,*  
Secretary.

## APPENDIX

## FORMS

## No. 1

*Complaint against Priest or Deacon*

## Ecclesiastical Jurisdiction Measure 1963

Diocese of

Complaint against Priest or Deacon [No. (a)]

Rule 3 (2).

Name of complainant or complainants	Address	Authority or qualification (b) of complainant or complainants

Name of accused	Address	Preferment (if any) held by accused

## Statement of Offence

e.g. conduct unbecoming the office and work of a clerk in Holy Orders

## Particulars of offence

(Here set out the alleged acts or omissions constituting the offence, using numbered paragraphs to distinguish separate allegations, and giving dates and places where possible. If more than one offence is charged, state each offence separately under the heading "Statement of First Offence", "Statement of Second Offence", etc., followed by the particulars of that offence.)

The address for service of the complainant or complainants is

(If a solicitor is acting for the complainant or complainants, state the business address of the solicitor. Otherwise state the address of the complainant or, if there are several complainants, the address of one of them.)

Dated this                      day of                      19

Signature of complainant or signatures of all  
complainants.

*Notes*

(a) Reference number to be filled in by registrar.

(b) i.e. person authorised by bishop of  
person on electoral roll of  
incumbent of

No. 2

Rule 3 (2).

Complaint against Archbishop or Bishop  
Ecclesiastical Jurisdiction Measure 1963

Province of

Complaint against Archbishop or Bishop [No. (a)]

Name of complainant or complainants	Address	Authority or qualification (b) of complainant or complainants

Name of accused	Address	Archbishopric or bishopric and parochial benefice (if any) held by accused

Statement of Offence

e.g. serious, persistent or continuous neglect of duty

Particulars of offence

(Here set out the alleged acts or omissions constituting the offence, using numbered paragraphs to distinguish separate allegations, and giving dates and places where possible. If more than one offence is charged, state each offence separately under the heading "Statement of First Offence", "Statement of Second Offence", etc., followed by the particulars of that offence.)

The address for service of the complainant or complainants is

(If a solicitor is acting for the complainant or complainants, state the business address of the solicitor. Otherwise state the address of the complainant or, if there are several complainants, the address of one of them.)

Dated this                      day of                      19

Signature of complainant or signatures of all complainants.

Notes

(a) Reference number to be filled in by registrar.

- (b) i.e. bishop of ,
- incumbent of ,
- lay member of the diocesan conference of ,
- person authorised by the archbishop of ,
- person authorised by the bishop of ,
- person on electoral roll of .

No. 3

*Affidavit verifying Complaint*  
Ecclesiastical Jurisdiction Measure 1963

Rule 3 (4).

Province [Diocese] of

I, \_\_\_\_\_ of \_\_\_\_\_,  
being the person [one of the persons] laying a complaint against  
\_\_\_\_\_ of \_\_\_\_\_, being the (here state  
the archbishopric, bishopric or preferment, if any, held by the accused),  
make oath and say as follows:—

1. The statements made in paragraphs \_\_\_\_\_ of the particulars of the  
offence<sup>(a)</sup> charged by the complaint are true.

2. The statements made in paragraphs \_\_\_\_\_ of the particulars of the  
said offence<sup>(a)</sup> are true to the best of my knowledge, information and belief.  
Sworn etc.

*Note*

(a) If more than one offence is charged, the relevant paragraphs of the  
particulars of each offence must be specified.

No. 4

*Certificate of Archbishop's or Bishop's authorisation  
of person to lay complaint*  
Ecclesiastical Jurisdiction Measure 1963

Rule 3 (5).

Province [Diocese] of

I hereby certify that \_\_\_\_\_, of \_\_\_\_\_  
is a person approved by me to lay a complaint under  
Part III of the Ecclesiastical Jurisdiction Measure 1963 against  
\_\_\_\_\_ of \_\_\_\_\_, being the  
(here state the archbishopric, bishopric or preferment (if any), of the  
accused).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Archbishop's or bishop's signature.

No. 5

*Certificate of qualification of persons on electoral  
roll to lay complaint*  
Ecclesiastical Jurisdiction Measure 1963

Rule 3 (6).

Province [Diocese] of

I, \_\_\_\_\_ of \_\_\_\_\_  
being a church warden of \_\_\_\_\_  
[the secretary of the parochial or guild church council of \_\_\_\_\_ ]  
hereby certify that \_\_\_\_\_  
of \_\_\_\_\_  
is on the electoral roll of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Signature



## No. 6

Rule 3 (7).

*Certificate of qualification of a lay member of a  
diocesan conference to lay complaint*  
Ecclesiastical Jurisdiction Measure 1963

Province of

I, \_\_\_\_\_ of \_\_\_\_\_  
being the secretary of the diocesan conference of the diocese of \_\_\_\_\_  
, hereby certify that \_\_\_\_\_  
of \_\_\_\_\_ is a lay member of that  
diocesan conference.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature

## No. 7

Rule 4 (3).

*Statement of Accused's Address for Service*  
Ecclesiastical Jurisdiction Measure 1963

Province [Diocese] of

Complaint No.

Complainant (State name or names)

Accused (State name and preferment, if any)

The address for service of the accused is:—

(If a solicitor is acting for the accused, state the solicitor's business  
address. Otherwise state the address of the accused.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of accused

## No. 8

Rule 9 (1).

*Application for attendance at inquiry of person  
making affidavit*  
Ecclesiastical Jurisdiction Measure 1963

Diocese of

Complaint No.

Complainant (State name or names)

Accused (State name and preferment if any)

Application is hereby made by the complainant [accused] under  
section 24(3) of the Measure to the examiner to request the attendance  
at the inquiry of \_\_\_\_\_

who made an affidavit dated

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of the applicant or his solicitor (the  
signature of one of several complainants is  
sufficient).

**No. 9.*****Request by Examiner to person making affidavit  
to attend at inquiry*****Rule 9 (1).****(Heading as in Form No. 8)**

To \_\_\_\_\_ of \_\_\_\_\_, who made an affidavit dated \_\_\_\_\_

I, \_\_\_\_\_, the examiner to whom the above complaint is referred for inquiry, hereby request you under section 24(3) of the Measure to attend the inquiry at (here state time and place at which attendance is requested) to answer questions on oath.

Take note that, if you fail to attend in pursuance of this request, your affidavit will be disregarded.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

**Signature of Examiner.**

**No. 10*****Application to Bishop to exercise jurisdiction  
under section 31*****Rule 11 (1).****(Heading as in Form No. 8)**

The accused hereby applies to the bishop to exercise his power under section 31 of the Measure to pronounce a censure upon him in respect of the above complaint.

***Admissions***

(The accused should here state the extent to which he admits the offence or offences charged by the complaint and the allegations contained in the particulars thereof, and may give his account or explanation of anything admitted and state any mitigating circumstances.)

The accused hereby consents to the pronouncement of a censure upon him as aforesaid.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

**Signature of accused.**

**No. 11*****Articles in proceedings against priest or deacon for offence  
not involving doctrine etc.*****Rule 12 (1).****Ecclesiastical Jurisdiction Measure 1963****Consistory Court of****Complaint No.****Promoter (State name)****Accused (State name and preferment if any)****Articles****Statement of Offence**

e.g. conduct unbecoming the office and work of a clerk in Holy Orders.

**Particulars of Offence**

(Here set out in numbered Articles the alleged acts or omissions constituting the offence, giving dates and places where possible. If more than one offence is charged, state each offence separately under

the heading "Statement of First Offence", "Statement of Second Offence", etc., followed by the Articles containing the particulars of that offence.)

Dated this                      day of                      19

Signature of promoter or his solicitor.

No. 12

Rule 12 (1).

*Certificate of nomination by Bishop of  
Promoter of complaint*

(Heading as in Form No. 8)

I hereby certify that I have nominated under section 25 of the Measure of                      , to promote a complaint against the accused in the consistory court.

Dated this                      day of                      19

Signature of Bishop.

No. 13

Rule 12 (2).

*Application to include other offences  
in articles*

(Heading as in Form No. 11)

Application is hereby made to the examiner [the consistory court] by the promoter of the above complaint for leave to include in the articles under section 26 of the Measure particulars of the following offence[s]:—

(Here set out the offence[s])

The offence[s] is [are] in substitution for [in addition to] the offence[s] specified by the examiner<sup>(\*)</sup>.

The offence[s] set out above is [are] founded on the following evidence disclosed in the course of the inquiry:—

(Summarize relevant evidence)

Dated                      day of                      19

Signature of promoter or his solicitor.

*Note*

(\*) It may be necessary, when more than one offence is specified by the examiner and/or in the application, to distinguish between them in this paragraph of the form; e.g. one new offence may be substituted for one of those specified by the examiner, another offence so specified may be left untouched, and another new offence may be added.

No. 14

Rule 15 (2)  
and (4).

*Notice of time and place for selecting  
assessors*

(Heading as in Form No. 11)

To                      , promoter [accused].

Take notice that the time and place fixed for selecting assessors under Part II of the Second Schedule to the Measure to sit with the consistory



## No. 18

Rule 17 (3). *Application made to registrar before hearing for evidence to be taken before an examiner*

(Heading as in Form No. 11)

Application is hereby made to the registrar by the promoter [accused] for the evidence of \_\_\_\_\_ to be taken before an examiner.

The reasons why the said witness [witnesses] cannot attend or should not be required to attend at the trial are the following:—

(Here state the reasons and circumstances justifying the taking of the evidence of the witness [witnesses] before an examiner)

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19

Signature of applicant or his solicitor.

## No. 19

Rule 17 (3) and (4). *Notice of application to be made at hearing for evidence to be taken before an examiner*

(Heading as in Form No. 11)

Notice is hereby given by the promoter [accused] that he will apply at the hearing for the evidence of \_\_\_\_\_ to be taken before an examiner.

(Continue as in Form No. 19)

## No. 20

Rule 21 (1). *Application for attendance at inquiry of person making affidavit*

Ecclesiastical Jurisdiction Measure 1963

Province of \_\_\_\_\_

Complaint No. \_\_\_\_\_

Complainant (state name or names) \_\_\_\_\_

Accused (state name and bishopric or archbishopric) \_\_\_\_\_

Application is hereby made by the complainant [accused] under section 33(6) of the Measure to the episcopal committee of inquiry to request the attendance at the inquiry of \_\_\_\_\_

who made an affidavit dated \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19

Signature of the applicant or his solicitor (the signature of one of several complainants is sufficient).

## No. 21

*Request by episcopal committee to person making affidavit to attend inquiry* Rule 21 (1).

(Heading as in Form No. 20)

To \_\_\_\_\_, who made the affidavit  
dated \_\_\_\_\_

We, the episcopal committee to whom the above complaint is referred for inquiry, hereby request you under section 33(6) of the Measure to attend the inquiry at (here state time and place at which attendance is requested) to answer questions on oath.

Take note that, if you fail to attend in pursuance of this request, your affidavit will be disregarded.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of one of the members of the committee  
signing on behalf of the committee

## No. 22

*Articles in proceedings against archbishop or bishop for offence not involving doctrine etc.* Rule 23 (1).

Ecclesiastical Jurisdiction Measure 1963

Commission of Convocation

Complaint No. \_\_\_\_\_

Promoter (state name) \_\_\_\_\_

Accused (state name and bishopric or archbishopric) \_\_\_\_\_

(The main part of the form is the same as form No. 11)

## No. 23

*Certificate of nomination by episcopal committee of promoter of the complaint* Rule 23 (1).

(Heading as in Form No. 20)

We hereby certify that we have nominated under section 33(7) of the Measure \_\_\_\_\_ of \_\_\_\_\_ to promote the complaint against the accused before the Commission appointed under section 35 of the Measure.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of one of the members of the committee  
signing on behalf of the committee.

## No. 24

*Application to include other offences in Articles* Rule 23 (2).

(Heading as in Form No. 22)

Application is hereby made to the episcopal committee of inquiry [the Commission of Convocation] by the promoter of the above complaint for leave to include in the Articles under section 34 of the Measure particulars of the following offence[s]:—

(Here set out the offence[s])

The offence[s] is [are] in substitution for [in addition to] the offence[s] specified by the committee(9).

The offence[s] set out above is [are] founded on the following evidence disclosed in the course of the inquiry:—

(Summarise relevant evidence)

Dated this                      day of                      19 .

Signature of promoter or his solicitor.

*Note*

(\*) It may be necessary when more than one offence is specified by the committee and/or in the application, to differentiate between them; e.g. a new offence may be substituted for one of those specified by the committee, another offence so specified may be left untouched, and another new offence may be added.

No. 25

Rule 26 (2).                      *Notice of application by promoter to withdraw  
or amend articles*  
(Heading as in Form No. 22. Otherwise follow Form No. 16.)

No. 26

Rule 26 (2).                      *Notice of application by accused to lodge or amend answer*  
(Heading as in Form No. 22. Otherwise follow Form No. 17.)

No. 27

Rule 27 (3).                      *Application made to the registrar before hearing for evidence  
to be taken before an examiner*  
(Heading as in Form No. 22. Otherwise follow Form No. 18.)

No. 28

Rule 27 (3)  
and (4).                      *Notice of application to be made at hearing for evidence  
to be taken before an examiner*  
(Heading as in Form No. 22. Otherwise follow Form No. 19.)

No. 29

Rule 32 (1).                      *Application for attendance at inquiry of person making affidavit*  
Ecclesiastical Jurisdiction Measure 1963

Diocese [province] of

Complaint No.

Complainant (state name or names)

Accused (state name and preferment, bishopric or archbishopric,  
if any)

Application is hereby made by the complainant [accused] under section 42(5) of the Measure to the committee of convocation to request the attendance at the inquiry of                      who made an affidavit dated

Dated this                      day of                      19

Signature of the applicant or his solicitor (the signature of one of several complainants is sufficient).

## No. 30

*Request by committee of Convocation to person making affidavit to attend at inquiry*

Rule 32 (1).

(Heading as in Form No. 29.)

To \_\_\_\_\_  
of \_\_\_\_\_  
who made an affidavit dated \_\_\_\_\_

We, the committee of convocation to whom the above complaint is referred for inquiry, hereby request you under section 42(5) of the Measure to attend the inquiry at (here state time and place at which attendance is requested) to answer questions on oath.

Take note that, if you fail to attend in pursuance of this request your affidavit will be disregarded.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of one of the members of the committee  
signing on behalf of the committee.

## No. 31

*Articles in proceedings for offence involving doctrine etc.*

Rule 34 (1).

Ecclesiastical Jurisdiction Measure 1963

Court of Ecclesiastical Causes Reserved

Complaint No. \_\_\_\_\_

Promoter (state name) \_\_\_\_\_

Accused (state name and preferment, bishopric or archbishopric, if any). \_\_\_\_\_

(The main part of the form is similar to form No. 11)

## No. 32

*Certificate of nomination by Upper House of Convocation of promoter of the complaint*

Rule 34 (1).

(Heading as in Form No. 29.)

I hereby certify that the Upper House of the Convocation of (insert relevant province) has nominated under section 43 of the Measure of \_\_\_\_\_, to promote a complaint against the accused in the Court of Ecclesiastical Causes Reserved.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Signature of the secretary of the said Upper House.

## No. 33

*Application to include other offences in Articles*

Rule 34 (2).

(Heading as in Form No. 31.)

Application is hereby made to the committee of Convocation [the Court of Ecclesiastical Causes Reserved] by the promoter of the above complaint for leave to include in the Articles under section 44 of the Measure particulars of the following offence[s]:—

(Here set out the offence[s])

The offence[s] is [are] in substitution for [in addition to] the offence[s] specified by the committee of Convocation<sup>(a)</sup>.







taken before an examiner, furnish a medical certificate [medical certificates] stating the illness of the witness [each witness] and that he cannot attend the hearing.)

(3) To require or allow the following documents [exhibits] to be produced at hearing ;

(State the nature and materiality of the documents [exhibits] and, if they were not produced at the trial, the reasons why and the exceptional circumstances justifying their production.)

No. 42

Rule 44 (3).

*Petition by accused from  
Commission of Convocation to Commission of Review*

(Heading as in Form No. 22)

The accused hereby petitions for a review by a Commission of Review of the finding(s) of the Commission of Convocation [that<sup>(a)</sup>

], on the following ground(s) involving a question (questions) of fact [law] [fact and law]:—

(Here state the ground(s) of the petition and the question(s) involved.)

Dated this                                  day of                                  , 19                                  .

Signature of the accused or his solicitor.

*Note*

<sup>(a)</sup> If there were more than one finding of the Commission of Convocation, and the petition is from one or some of the findings only, state the finding or findings concerned.

No. 43

Rule 44 (3).

*Petition by accused from Court of Ecclesiastical Causes Reserved  
to Commission of Review*

(Heading as in Form No. 31)

The accused hereby petitions for a review by a Commission of Review of the finding(s) of the Court of Ecclesiastical Causes Reserved [that<sup>(a)</sup> ], on the following ground(s) involving a question of fact [law] [fact and law]:—

(Here state the ground(s) of the petition and the question(s) involved.)

Dated this                                  day of                                  19                                  .

Signature of accused or his solicitor.

*Note*

<sup>(a)</sup> If there were more than one finding of the Court of Ecclesiastical Causes Reserved comprised, and the petition is from one or some of the findings only, state the finding or findings concerned.

No. 44

Rule 44 (3).

*Petition by promoter from Commission of Convocation to  
Commission of Review*

(Heading as in Form No. 22)

The promoter hereby petitions for a review by a Commission of Review of the finding(s) of the Commission of Convocation [that<sup>(a)</sup>

], on the following ground(s) involving a question (questions) of law:—

(Here state the ground(s) of the petition and the question(s) of law involved)

Dated this                      day of                      19 .

Signature of the promoter or his solicitor.

**Note**

(\*) If there were more than one finding of the Commission of Convocation, and the petition is from one or some of the findings only, state the finding or findings concerned.

**No. 45**

*Petition by promoter from Court of Ecclesiastical Causes Reserved to Commission of Review*                      Rule 44 (3).

(Heading as in Form No. 31)

The promoter hereby petitions for a review by a Commission of Review of the finding(s) of the Court of Ecclesiastical Causes Reserved that<sup>(a)</sup>                      ], on the following ground(s) involving a question (questions) of law:—

(Here state the ground(s) of the petition and the question(s) of law involved)

Dated this                      day of                      19 .

Signature of the promoter or his solicitor.

**Note**

(\*) If there were more than one finding of the Court of Ecclesiastical Causes Reserved, and the petition is from one or some of the findings only, state the finding or findings concerned.

**No. 46**

*Notice of application to withdraw or amend petition*                      Rule 45 (3).

(Heading as in Form No. 22 or Form No. 31 according to whether the petition is from a Commission of Convocation or the Court of Ecclesiastical Causes Reserved.)

The petitioner, being promoter [accused], hereby gives notice that he proposes to apply at the hearing to the Commission of Review for the petition to be withdrawn [for the petition to be amended in the following respects<sup>(a)</sup>]                      ).....

Dated this                      day of                      19

Signature of the promoter (accused) or his solicitor.

**Note**

(\*) If the application is for amendment, the notice should show the precise form that the petition will take, if the amendments are allowed.

**No. 47**

*Notice of application to Commission of Review to use powers to hear witnesses etc.*                      Rule 47 (2).

(Heading as in Form No. 22 or Form No. 31 according to whether the petition is from a Commission of Convocation or the Court of Ecclesiastical Causes Reserved.)

Notice is hereby given by the promoter (accused) that he will apply at the hearing to the Commission of Review to exercise the following powers:—

(Continue as in Form No. 41)

## No. 48

Rule 49 (1).

*Notice of Intention to depose priest or deacon*  
Ecclesiastical Jurisdiction Measure 1963

Diocese of

To (State name of censured priest or deacon)

Whereas a censure of deprivation has been pronounced on you by (here state the court or commission by whom the censure was pronounced or, if it was pronounced under section 31 of the Measure, state "by the bishop under section 31 of the Measure").

Take notice that I, (state name and title of bishop giving the notice) intend to depose you from Holy Orders under section 50 of the Measure, for the following reasons:—

(Here state the reasons for the deposition)

You have a right of appeal to the Archbishop of against the deposition, and the appeal must be brought within one month after the date of the notice, and notice of appeal must be given in accordance with the rules within that period.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19

Signature and title of the Bishop.

## No. 49

Rule 50 (2).

*Notice of Appeal to Archbishop against Deposition*  
Ecclesiastical Jurisdiction Measure 1963

To the Registrar of the Province of

I, (here state name of appellant), having received a notice from the bishop of \_\_\_\_\_ under the proviso to section 50 of the Measure that he intends to depose me from Holy Orders, hereby give notice that I appeal to the Archbishop against such deposition on the following grounds:—

(Here set out the grounds of appeal)

Accordingly, on the above grounds, I pray that the sentence of deposition be not pronounced.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19

Signature of Appellant.

## No. 50

Rule 51.

*Notice by Upper House of intention to depose archbishop or bishop*  
Ecclesiastical Jurisdiction Measure 1963

Province of

To (State name of censured bishop or archbishop)

Whereas a censure of deprivation has been pronounced on you in pursuance of a resolution of the Upper House of the Convocation of [a joint meeting of the Upper Houses of the Convocations of both provinces] under section 37 of the Measure.

Take notice that the Upper House of the Convocation of intends to depose you from Holy Orders under section 51 of the Measure for the following reasons:—

(Here state the reasons for the deposition)

You have a right to submit, within one month after the service of this notice, written representations for the consideration of the said Upper House, and, if you wish to be heard before the said Upper House personally, you should inform the registrar of the Convocation accordingly.

## No. 51

*Application for taxation of party and party costs*

Rule 54 (2).

(Heading as in Form No. 7)

Application is hereby made by the complainant [promoter] [accused] to the registrar for the taxation of the costs payable in the above matter.

The bill of costs, and the papers and vouchers relating thereto, are lodged herewith.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19

Signature of applicant or his solicitor.

## No. 52

*Application for review of taxation*

Rule 56 (2).

(Heading as in Form No. 7)

Application is hereby made by the complainant [promoter] [accused] that the decision of the registrar dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ in taxing the costs in the above matter, be reviewed by the judge of the consistory court [Dean of the Arches and Auditor or his deputy].

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19

Signature of applicant or his solicitor.

## No. 53

*Affidavit of Personal Service*

Rule 58 (1).

(Heading appropriate to nature and stage of proceedings, e.g. as in Form No. 7 or No. 8 or No. 11, if complaint is against priest or deacon.)

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say as follows:—

1. I am the complainant [one of the complainants] [the solicitor acting for the complainant] [the promoter] [the solicitor acting for the promoter] or I am a person in the permanent employment of \_\_\_\_\_,

being the complainant [one of the complainants] [the solicitor acting for the complainant] [the promoter] [the solicitor acting for the promoter], and am over the age of 16 years.

2. On the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ I served (here specify the document e.g. a copy of the complaint) on the accused by leaving it with him personally at (here specify the address or place at which the document was left with the accused)

Sworn etc.

## No. 54

*Acknowledgement of service by accused or his solicitor*Rule 58 (1)  
(a).

(Heading—see Form No. 53)

I, \_\_\_\_\_, the accused [the solicitor acting for the accused] hereby acknowledge the service of (here specify the document e.g. a copy of the complaint).

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19

(Signature of accused or his solicitor.)

## No. 55

Rule 58 (1)  
(b).

*Affidavit in support of application for Substituted Service*

(Heading—see Form No. 53)

I, \_\_\_\_\_ of \_\_\_\_\_  
make oath and say as follows:—

1. I am the complainant [one of the complainants] [the solicitor acting for the complainant] [the promoter] [the solicitor acting for the promoter],  
or I am a person in the permanent employment of \_\_\_\_\_,  
being the complainant [one of the complainants] [the solicitor acting for the complainant] [the promoter] [the solicitor acting for the promoter], and am over the age of 16 years.

2. I have taken the following steps for the purpose of effecting personal service on the accused of (here specify the document e.g. a copy of the complaint) :—

(The affidavit should here set out all the steps taken, with dates and places. If the whereabouts of the accused are not known, or if he is believed to have left the country, and the deponent has made enquiries as to his whereabouts, the affidavit should describe the enquiries and their results. If the matter has been handled by more than one person, each person should swear an affidavit as to the steps or enquiries taken or made by him personally.)

Sworn etc.

## No. 56

Rule 58 (3)

*Affidavit of service other than personal service*

(Heading—see Form No. 53)

I, \_\_\_\_\_ of \_\_\_\_\_,  
make oath and say as follows:—

1. I am the complainant [one of the complainants] [the promoter] [the accused] [the solicitor acting for the complainant or the promoter or the accused].

or I am a person in the permanent employment of \_\_\_\_\_,  
being the complainant [one of the complainants] [the accused] [the solicitor acting for the complainant or the promoter or the accused].

2. On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ I effected service on the accused [complainant] [promoter] of (here specify the document) by delivering it at (here specify the address at which it was delivered, which should be the proper address prescribed by rule 58(3) or such address as may be directed by the registrar under rule 58(1) or (2)).

or I effected service on the accused [complainant] [promoter] of (here specify the document) by posting it the day before by the recorded delivery service in an envelope addressed to the accused [complainant] [promoter], [the solicitor acting for the accused or complainant or promoter] at (here specify the address—see above), and I annex hereto a true copy of the official document recording the delivery thereof.

(If the registrar has directed some other mode of service under rule 58(1) or (2), paragraph 2 of the affidavit should specify the steps taken to effect such service, giving the date and place.)

Sworn etc.

## No. 57

*Interlocutory application*  
(Heading—see Form 53)

Rule 60 (2).

The complainant [promoter] [accused] hereby applies to the registrar [Dean of the Arches and Auditor] [presiding judge of the Commission of Review] for (here state the relief sought, e.g. leave to file further affidavits of evidence for inquiry, postponement of trial, withdrawal of appeal etc.).

Dated this                      day of                      19 .

Signature of applicant or his solicitor.

## No. 58

*Notice of appeal to examiner or committee of inquiry or judge*  
(Heading—see Form 53)

Rule 60 (6).

The complainant [promoter] [accused] hereby gives notice that he is appealing from the decision of the registrar dated                      granting [refusing] an application for (here state nature of application) to the (here state the examiner, committee or judge to whom the appeal is made), on the following ground(s):—

(Here state ground(s) of appeal)

Dated this                      day of                      19 .

Signature of appellant or his solicitor.

## No. 59

*Order for inspection of documents*  
(Heading as in Form No. 11, No. 20 or No. 31,  
as the case may be)

Rule 62 (1)  
(a).

It is ordered that the accused [promoter] do, on reasonable notice, produce at (state place of inspection) the following documents (here specify them) and that the promoter [accused] be at liberty to inspect the documents so produced and to take copies and abstracts thereof and extracts therefrom.

Dated this                      day of                      19 .

Signature of Registrar.

## No. 60

*Order for production of documents by party at trial*  
(Heading—see Form No. 59)

Rule 62 (1)  
(b).

To the accused [promoter]

You are hereby ordered to produce and have available throughout the trial of the above case the following documents (here specify the documents).

Dated this                      day of                      19 .

Signature of Registrar.



## No. 61

Rule 62 (1)  
(b).*Order to witness to produce documents at trial*  
(Heading—see Form No. 59)

To \_\_\_\_\_ of \_\_\_\_\_  
 You are hereby ordered to attend at the trial of the above case at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and so from day to day until the trial is concluded or you are released from attendance, to give evidence at the trial and to bring with you and produce the following documents (here specify the documents).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Signature of Registrar.

## No. 62

Rule 62 (1)  
(c).*Order to witness to give oral evidence*  
(Heading—see Form No. 59)

To \_\_\_\_\_  
 You are hereby ordered to attend at the trial of the above case at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at the hour of \_\_\_\_\_, and so from day to day until the trial is concluded or you are released from attendance, to give evidence at the trial.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

Signature of Registrar.

Rule 60 (2).

*Note*

The above forms Nos. 59 to 62 can be used, with the necessary modifications, if a Court or Commission makes an order under rule 62(2) at the trial or at the hearing of an appeal or petition for the inspection or production of documents or the attendance of witnesses.

## EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

The Rules provide a code of procedure for the trial of offences under the Ecclesiastical Jurisdiction Measure 1963, and their arrangement closely follows the arrangement of the Measure. After general provisions for the laying of complaints in all cases, the Rules proceed to deal separately with the different kinds of offences and the different courts, whether of first instance or appellate.

The Rules also cover deposition from Holy Orders consequent on censures of deprivation, and deprivation and deposition consequent on certain judgments, orders and findings of secular courts.

## 1964 No. 1763

## WAGES COUNCILS

## The Wages Regulation (Flax and Hemp) Order 1964

*Made* - - - - - 4th November 1964

*Coming into Operation* 20th November 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Flax and Hemp Wages Council (Great Britain) (hereafter in this Order referred to as "the Wages Council") the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order :—

1. This Order may be cited as the Wages Regulation (Flax and Hemp) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 20th November 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Flax and Hemp) (No. 2) Order 1963(c) and the Wages Regulation (Flax and Hemp) (Amendment) Order 1964(d), shall cease to have effect.

Dated 4th November 1964.

*R. J. Gunter,*  
Minister of Labour.

## SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Flax and Hemp) (No. 2) Order 1963 (Order F.H. (102)) as amended by the Wages Regulation (Flax and Hemp) (Amendment) Order 1964 (Order F.H. (106)).

(a) 7 & 8 Eliz. 2. c. 69.  
(c) S.I. 1963/2005 (1963 III, p. 4232).

(b) 52 & 53 Vict. c. 63.  
(d) S.I. 1964/1254 (1964 II, p. 2903).

## STATUTORY MINIMUM REMUNERATION

## PART I

## GENERAL

1.—(1) The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part IV of this Schedule is:—

- (a) in the case of a time worker, the hourly general minimum time rate applicable to the worker under the provisions of this Schedule ;
- (b) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker (that is to say, a worker of ordinary skill and experience in the work) at least the same amount of money as the hourly piece work basis time rate applicable to the worker or, where no such rate applies, at least the same amount of money as the hourly general minimum time rate which would be applicable if the worker were a time worker:

Provided that where an hourly guaranteed time rate is applicable to a piece worker under paragraph 5 or under paragraph 9 and the remuneration calculated on a time work basis at that rate exceeds the remuneration calculated on the basis of the said piece rates, the worker shall be paid not less than that guaranteed time rate.

(2) In this Schedule, the expressions “hourly general minimum time rate”, “hourly guaranteed time rate” and “hourly piece work basis time rate” mean respectively the general minimum time rate, the guaranteed time rate and the piece work basis time rate applicable to a worker under Part II or Part III of this Schedule divided in each case by 42½.

## PART II

## FEMALE WORKERS

## GENERAL MINIMUM TIME RATES

	Per week of 42½ hours
	s. d.
2.—(1) The following general minimum time rates are applicable to female workers:—	
(a) Spinners aged 18 years or over ... ..	130 7
(b) Spinners aged under 18 years who have completed two years' employment (including any period of learnership) in some or all of the processes of bobbin carrying, doffing, piecing, or assisting at spinning frame, and who are in charge of a frame ... ..	123 5
(c) Card-cutters aged 18 years or over ... ..	130 7
(d) Weavers, winders, reelers and warpers aged 18 years or over ... ..	130 7
(e) All other workers (except learners to whom the minimum rates specified in paragraph 3(1) apply)—	
Aged 18 years or over ... ..	121 5
" 17 and under 18 years ... ..	99 7
" 16 " " 17 " ... ..	86 3
" under 16 years ... ..	71 3

- (2) For the purposes of this paragraph a winder is a worker (other than a bit or beating winder) who is employed wholly or mainly on winding from the reel, hank or bobbin.

### LEARNERS AND WEAVING TEACHERS

Per week  
of  
42½ hours  
s. d.

- 3.—(1) The following general minimum time rates are applicable to female learners :—

(a) Learners employed in weaving, warping, winding, reeling or spinning for one period of learnership not exceeding six months where such learnership is commenced—

(i) At 16 years of age or over ... .. 86 3

(ii) Under 16 years of age ... .. 71 3

(b) Learners employed in card-cutting for one period of learnership not exceeding 12 months where such learnership is commenced—

(i) At 16 years of age or over ... .. 86 3

(ii) Under 16 years of age ... .. 71 3

- (2) For the purposes of this paragraph a learner is a female worker who is employed during the whole or a substantial part of her time in learning weaving, warping, winding, reeling, spinning or card-cutting by an employer who ensures that she receives reasonable and proper facilities for such learning and, in the case of a learner employed in weaving, is placed under a competent worker to be taught.

- (3) Notwithstanding the provisions of paragraph 2, the weekly remuneration applicable to a worker who is employed in teaching a learner weaving shall be not less than the sum of the following amounts, that is to say—

(a) the amount obtained by multiplying the worker's average hourly earnings during the previous eight weeks (exclusive of any week during which she was teaching a learner) by the number of hours constituting the worker's normal working week while teaching the learner ;

(b) the amount (if any) by which the piece work basis time rate in paragraph 4 exceeds the piece work basis time rate which was applicable at the end of the period of eight weeks specified in (a) ; and

(c) 12 shillings a week.

### PIECE WORK BASIS TIME RATE

Per week  
of  
42½ hours  
s. d.

4. The piece work basis time rate applicable to female workers employed on piece work is ... .. 132 2

## GUARANTEED TIME RATES FOR PIECE WORKERS

		Per week of 42½ hours	
		s.	d.
5. The guaranteed time rates applicable to female workers employed on piece work (except learners to whom the minimum rates specified in paragraph 3(1) apply) are as follows:—			
Aged 18 years or over	... ..	121	5
„ 17 and under 18 years	... ..	99	7
„ 16 „ „ 17 „	... ..	86	3
„ under 16 years	... ..	71	3

## PART III

## MALE WORKERS

## GENERAL MINIMUM TIME RATES

		Per week of 42½ hours	
		s.	d.
6. The following general minimum time rates are applicable to male workers:—			
(1) Tenters aged 21 years or over	... ..	211	9
(2) Under-tenters aged 21 years or over—			
(a) During the first year of employment as an under-tenter at or after the age of 21 years	... ..	167	4
(b) During the second and third years of employment as an under-tenter after the age of 21 years	... ..	179	10
(c) Thereafter	... ..	191	10
(3) Dressers, mounters, card-cutters and hacklers (hand-dressers) aged 21 years or over	... ..	202	0
(4) Hemp-rollers on non-reciprocating machines and hemp-breakers aged 21 years or over	... ..	205	3
(5) Day Shift spinners—			
Aged 21 years or over	... ..	183	3
„ 20 and under 21 years	... ..	156	4
„ 19 „ „ 20 „	... ..	140	8
„ 18 „ „ 19 „	... ..	126	8
„ 17 „ „ 18 „	... ..	95	4
(6) Night Shift spinners—			
Aged 21 years or over	... ..	213	10
„ 20 and under 21 years	... ..	182	5
„ 19 „ „ 20 „	... ..	164	1
„ 18 „ „ 19 „	... ..	147	9
(7) Weavers aged 21 years or over—			
(a) During the first six months of employment as a weaver at or after the age of 21 years	... ..	179	10
(b) Thereafter	... ..	191	10

						Per week of 42½ hours s. d.
<b>(8) All other workers (except the apprentices and improvers to tenting or dressing to whom paragraph 7 applies):—</b>						
Aged 21 years or over	...	...	...	...	...	182 1
„ 20 and under 21 years	...	...	...	...	...	153 0
„ 19 „ „ 20 „	...	...	...	...	...	138 1
„ 18 „ „ 19 „	...	...	...	...	...	124 2
„ 17 „ „ 18 „	...	...	...	...	...	99 8
„ 16 „ „ 17 „	...	...	...	...	...	86 1
„ under 16 years	...	...	...	...	...	71 3

### APPRENTICES AND IMPROVERS TO TENTING OR DRESSING

						Per week of 42½ hours s. d.
<b>7.—(1) The following general minimum time rates are applicable to male workers :—</b>						
<b>(a) Apprentices to tenting, aged 16 years or over, whose employment complies with the provisions of Part V of this Schedule—</b>						
During the—						
1st year of apprenticeship	...	...	...	...	...	86 1
2nd „ „	...	...	...	...	...	99 8
3rd „ „	...	...	...	...	...	124 2
4th „ „	...	...	...	...	...	138 1
<b>(b) Improvers to tenting—</b>						
During the 1st year of employment as an improver ...						164 0
During the 2nd year of employment as an improver ...						197 5
<b>(c) Apprentices to dressing aged 16 years or over, whose employment complies with the provisions of Part V of this Schedule—</b>						
During the—						
1st year of apprenticeship	...	...	...	...	...	86 1
2nd „ „	...	...	...	...	...	99 8
3rd „ „	...	...	...	...	...	124 2
<b>(d) Improvers to dressing—</b>						
During the one year of employment as an improver ...						136 4
<b>(2) For the purposes of this paragraph :—</b>						
<b>(a) an improver to tenting is a male worker who having completed four years' apprenticeship as an apprentice tenter in accordance with the provisions of Part V of this Schedule has had thereafter less than two years' employment in tenting and is the holder of a certificate of registration as an improver to tenting issued by, or on behalf of, the Wages Council or has made application for such certificate which has been acknowledged and is still under consideration ;</b>						
<b>(b) an improver to dressing is a male worker who having completed three years' apprenticeship as an apprentice dresser in accordance with the provisions of Part V of this Schedule has had thereafter less than one year's employment in dressing.</b>						

## PIECE WORK BASIS TIME RATE

## HOSE-PIPE WEAVERS

	Per week of 42½ hours s. d.
8. The piece work basis time rate applicable to male hose-pipe weavers employed on piece work on power or hand looms is	200 6

## GUARANTEED TIME RATES FOR PIECE WORKERS

## WEAVERS

	Per week of 42½ hours s. d.
9. The guaranteed time rates applicable to male weavers employed on piece work are as follows :—	
(1) During the first six months of employment as a weaver at or after the age of 21 years ... ..	179 10
(2) Thereafter ... ..	191 10

## PART IV

## OVERTIME AND WAITING TIME

## MINIMUM OVERTIME RATES—ALL WORKERS

10.—(1) Subject to the provisions of this paragraph, minimum overtime rates are payable to any worker as follows :—

(a) on any day other than a Saturday, Sunday or a customary holiday—

(i) for the first two hours worked in excess of 8½ hours ... ..

Time-and-a-quarter

(ii) thereafter ... ..

Time-and-a-half

Provided that where the worker normally attends on five days only in the week or on five shifts in the case of a shift worker the said minimum overtime rates of time-and-a-quarter and time-and-a-half shall be payable after 9 and 11 hours' work respectively.

(b) on a Saturday, not being a customary holiday—

for all time worked in excess of 3½ hours ... ..

Time-and-a-half

Provided that where the worker normally attends on five days only in the week or on five shifts in the case of a shift worker the said minimum overtime rate of time-and-a-half shall be payable for all time worked on Saturday.

(c) on a Sunday or a customary holiday—

for all time worked ... ..

Double time

(2) Subject to the provisions of sub-paragraph (3) of this paragraph, where the employer and the worker by agreement in writing fix in respect of each week-day or shift the number of hours after which a minimum overtime

rate shall be payable and the total number of such hours amounts to 42½ weekly, the following minimum overtime rates shall be payable in substitution for those set out in sub-paragraph (1) of this paragraph—

- (a) on any day other than a Saturday, Sunday or a customary holiday—
- (i) for the first two hours worked in excess of the agreed number of hours ... .. Time-and-a-quarter
- (ii) thereafter ... .. Time-and-a-half
- (b) on a Saturday, not being a customary holiday— for all time worked in excess of the agreed number of hours ... .. Time-and-a-half

Provided that where the said agreement provides that Saturday shall not normally be a working day, the said minimum overtime rate of time-and-a-half shall be payable for all time worked on Saturday.

- (c) on a Sunday or a customary holiday— for all time worked ... .. Double time

(3) Where a worker is employed on a turn of duty which commences on one day and extends into the following day, the whole of that turn of duty shall, for the purposes of this paragraph, be treated as occurring on the day on which the worker was required to commence such turn of duty.

11. In this Part of this Schedule :—

(1) The expression “customary holiday” means—

(a) (i) In England and Wales—

Christmas Day (or, if Christmas Day falls on a Sunday, such week-day as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday and August Bank Holiday :

Provided that in the case of workers who normally work on each week-day except Saturday if Christmas Day falls on a Saturday the holiday shall be the next following Tuesday ;

(ii) In Scotland—

New Year's Day and the following day :

Provided that if New Year's Day falls on a Sunday, the holidays shall be the following Monday and Tuesday ; if New Year's Day falls on a Saturday then in the case of workers who normally work on each week-day except Saturday the holidays shall be the following Monday and Tuesday and in the case of all other workers, New Year's Day and the following Monday ;

the local Spring holiday ;

the local Autumn holiday ;

and two other days (being days on which the worker normally works for the employer) in the course of a calendar year to be fixed by the employer in consultation with the worker or his representative and notified to the worker not less than three weeks before the holiday ;

or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

(2) The expressions “time-and-a-quarter”, “time-and-a-half” and “double time” mean respectively :—

(a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate otherwise applicable to the worker ;



- (b) in the case of a female worker employed on piece work :—
- (i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,
  - (ii) the minimum remuneration otherwise applicable to the worker under paragraph 1(1)(b) ;
- (c) in the case of a male hose-pipe weaver employed on piece work :—
- (i) a time rate equal respectively to one quarter, one half and the whole of the hourly piece work basis time rate otherwise applicable to the worker, and, in addition thereto,
  - (ii) the minimum remuneration otherwise applicable to the worker under paragraph 1(1)(b) ;
- (d) in the case of any other male worker employed on piece work :—
- (i) a time rate equal respectively to one-quarter, one half and the whole of the hourly general minimum time rate which would be applicable to the worker if he were a time worker and a minimum overtime rate did not apply, and, in addition thereto,
  - (ii) the minimum remuneration otherwise applicable to the worker under paragraph 1(1)(b).

#### WAITING TIME

- 12.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all the time during which he is present on the premises of the employer, unless he is present thereon in any of the following circumstances, that is to say—
- (a) without the employer's consent, express or implied ;
  - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;
  - (c) by reason only of the fact that he is resident thereon ; or
  - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable to him if he were employed as a time worker.

#### PART V

##### CONDITIONS AS TO RATES FOR MALE APPRENTICES AND PROSPECTIVE APPRENTICES TO TENTING OR DRESSING

13. Subject to the provisions of this Part of this Schedule, the general minimum time rates applicable to apprentices to tenting or dressing under paragraph 7 apply only where the following conditions are fulfilled :—
- (1) The apprentice shall be employed during the whole of his time under a written contract of apprenticeship, for a period of four years in the case of an apprenticeship to tenting or three years in the case of an apprenticeship to dressing, which has been duly executed and which contains the following provisions, or provisions substantially to the same effect, and no provisions contrary thereto :—
    - (a) the apprentice of his own free will and with the consent of the guardian binds himself to serve the employer as his apprentice in his trade for the term of three or four years as aforesaid ;

- (b) the employer will employ the apprentice as his apprentice during the said term, and to the best of his power, skill and knowledge instruct the apprentice, or cause him to be instructed, in tenting or dressing as the case may be ;
- (c) the employer will keep the apprentice under his own supervision or place him under the supervision of one or more fully qualified journeymen ; and
- (d) the employer will, during the term of the apprenticeship, afford the apprentice reasonable facilities, during working hours if necessary, to attend classes at which technical instruction in the principles of the operation being taught is given, or, if at any time no such class exists in the district in which the apprentice is employed, the employer will place the apprentice under the charge of one of his own workers who need not be a journeyman mentioned in (c) of this sub-paragraph, but is competent to instruct the apprentice in the elementary principles of the operation being taught.
- (2) The apprentice shall be the holder of a certificate of registration of apprenticeship issued by, or on behalf of, the Wages Council or shall have made application for such certificate which has been duly acknowledged and is still under consideration :

Provided that the Wages Council may decline to issue a certificate in any case where it is not satisfied that the said conditions have been complied with at the date of the application therefor, and the Wages Council may at any time thereafter cancel the certificate, if, in its opinion, any of the said conditions have not been complied with.

#### PROSPECTIVE APPRENTICES

14. Notwithstanding the foregoing provisions of this Schedule, where an employer employs a worker as a prospective apprentice to tenting or dressing for a probationary period not exceeding 12 weeks and all the conditions specified in the foregoing paragraph other than those with regard to employment under a written contract of apprenticeship and certification by the Wages Council are fulfilled, the minimum remuneration applicable to that worker during the said period shall be that applicable to an apprentice employed in accordance with the conditions specified in the said paragraph, and in the event of the worker being continued thereafter at his employment as an apprentice, the probationary period shall for the purposes of this Schedule be treated as part of the period of apprenticeship, whether or not it is included therein :

Provided that where the employer does not on or before the last day of the said probationary period enter into with the worker such a contract of apprenticeship as is mentioned in the said paragraph, the employer shall pay to the worker a sum equal to the difference between the minimum remuneration payable to him as a prospective apprentice and the amount that would have been payable to him had the provisions of this paragraph not applied.

#### PART VI

##### APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

15. This Schedule applies to the workers in relation to whom the Wages Council operates, that is to say, workers employed in Great Britain in the trade specified in the Schedule to The Trade Boards (Flax and Hemp Trade, Great Britain) (Constitution and Proceedings) Regulations 1940(a), that is to say :—

The preparing, spinning, and weaving (a) of scutched flax, (b) of hemp, (c) of a mixture of scutched flax and any other fibre, or (d) of a mixture of hemp and any other fibre ;

including :—

- (1) The preparing and spinning of waste reclaimed at any stage ; and

- (2) All packing, despatching, warehousing, storing, or other operations incidental to or appertaining to any of the above-mentioned work ;  
but excluding :—
- (1) The calendering, bleaching, dyeing or finishing of any of the above-mentioned materials ; and
  - (2) The preparing or spinning of materials required for the making or re-making of (a) rope (including driving rope and banding), (b) cord (including blind and window cord, but excluding silk, worsted and other fancy cords), (c) core for wire ropes, (d) lines, (e) twine (including binder and trawl twine), (f) lanyards, (g) net and similar articles when such spinning or preparing is carried on in the same factory or workshop as the said making or re-making ; and
  - (3) The making or repair of sacks or bags ; and also
  - (4) The weaving of carpets, rugs and mats.
- 

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 20th November 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Flax and Hemp) (No. 2) Order 1963 (Order F.H. (102)) as amended by the Wages Regulation (Flax and Hemp) (Amendment) Order 1964 (Order F.H. (106)), which Orders are revoked.

New provisions are printed in italics.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1765

**MERCHANT SHIPPING****MASTERS AND SEAMEN****The Distressed Seamen (Amendment) Regulations 1964***Made - - - - 4th November 1964**Coming into Operation 1st December 1964*

The Minister of Transport in exercise of his powers under sections 40 and 48 of the Merchant Shipping Act 1906(a), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st December 1964, provided that they shall not apply to the passage and maintenance of any distressed seamen carried in pursuance of a Conveyance Order dated before that date.

(2) These Regulations may be cited as the Distressed Seamen (Amendment) Regulations 1964.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The Regulations relating to distressed seamen made by the Board of Trade and dated the 16th April 1921(c) as amended(d) shall have effect as though in Regulation XVII thereof references to ten shillings, seven shillings and sixpence, and four shillings were respectively references to thirteen shillings and sixpence, ten shillings and five shillings and sixpence.

Given under the Official Seal of the Minister of Transport the 4th November 1964.

(L.S.)

*B. E. Bellamy,*  
An Under Secretary of the  
Ministry of Transport.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

Under Section 48 of the Merchant Shipping Act 1906, a Master of a British ship may be required by the proper authority to receive on board his ship distressed seamen for conveyance to a proper return port.

These Regulations increase the daily sums payable to Masters for the maintenance and conveyance of such seamen.

(a) 6 Edw. 7. c. 48.

(b) 52 &amp; 53 Vict. c. 63.

(c) S.R. &amp; O. 1921/642 (Rev. XIV, p. 137 : 1921 p. 548).

(d) The relevant amending instruments are S.R. &amp; O. 1933/689 (Rev. XIV, p. 137 : 1933 p. 1376) and S.I. 1952/989 (1952 II, p. 1724).

1964 No. 1771

## LONDON GOVERNMENT

## The London Government (Executive Councils) Order 1964

*Made* - - - - 6th November 1964  
*Laid before Parliament* 13th November 1964  
*Coming into Operation* 16th November 1964

The Minister of Health, as the appropriate Minister for the purposes of section 84(1) of the London Government Act 1963(a) with respect to the matters to which this order relates, in exercise of his powers under that section, and of all other powers enabling him in that behalf, hereby makes the following order:—

## PART I

## PRELIMINARY

*Citation and commencement*

1. This order may be cited as the London Government (Executive Councils) Order 1964 and shall come into operation on 16th November 1964.

*Interpretation*

2.—(1) In this order, unless the context otherwise requires—

“the Act of 1946” means the National Health Service Act 1946(b);

“the appointed day” means 1st April 1965;

“dissolved executive councils” means the executive councils for Croydon, East Ham, Surrey and West Ham, and “dissolved executive council” means one of such councils;

“enactment” includes an enactment in a regulation;

“existing” means existing immediately before the appointed day;

“Inner London”, “Middlesex”, “North-East London”, “South-East London and Kent”, and “South-West London and Surrey” mean the areas respectively described by reference to those names in schedule 1;

“the Minister” means the Minister of Health;

“new executive councils” means the executive councils for Essex, Hertfordshire, Inner London, Middlesex, North-East London, South-East London and Kent and South-West London and Surrey as constituted or, as the case may be, reconstituted by this order to exercise functions as from the appointed day, and “new executive council” means one of such councils;

“reconstituted councils” means the executive councils for Essex, Hertfordshire, Kent and Canterbury, London and Middlesex and “reconstituted council” means one of such councils;

“services” means services under section 33, 38, 40 or 41 of the Act of 1946.

(2) Any reference in this order to a numbered article or schedule shall, unless the reference is to an article or schedule of a specified order, be construed as a reference to the article or schedule bearing that number in this order.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(4) The Interpretation Act 1889(a) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

## PART II

### REORGANISATION OF EXECUTIVE COUNCILS

#### *Constitution, dissolution, etc., of executive councils*

3.—(1) On the appointed day the executive councils for Croydon, East Ham, Surrey and West Ham shall be dissolved and, subject to the provisions of this order, the executive councils for Essex, Hertfordshire, Kent and Canterbury, London and Middlesex shall continue in existence.

(2) On the appointed day the names of the executive council for Kent and Canterbury and of the executive council for London shall be respectively changed to the executive council for South-East London and Kent and the executive council for Inner London.

(3) On the appointed day the names of the executive council for Inner London and of the executive council for South-East London and Kent shall be respectively substituted for the names of the executive council for London and of the executive council for Kent and Canterbury in all instruments (other than this order), contracts and legal proceedings made or commenced before the appointed day which respectively refer to the executive council for London or to the executive council for Kent and Canterbury.

(4) There shall be constituted an executive council to be known as the executive council for North-East London and an executive council to be known as the executive council for South-West London and Surrey.

(5) As from the appointed day the executive councils for Essex, Hertfordshire, Inner London, Middlesex, North-East London, South-East London and Kent and South-West London and Surrey shall exercise functions under Part IV of the Act of 1946 in the areas respectively described, by reference to the administrative areas as established or altered by Part I of the London Government Act 1963, in Schedule 1.

(6) As from the appointed day the executive councils for Inner London, Middlesex, North-East London, South-East London and Kent and South-West London and Surrey shall each be deemed to be a single executive council constituted under section 31(2) and (3) of the Act of 1946, and this order, so far as it provides for the constitution of those said councils, shall be deemed to be an order made under that section.

(7) The new executive council for Essex and the new executive council for Hertfordshire shall each be deemed to be constituted under section 31 of the Act of 1946.

*Membership of executive councils, etc.*

4.—(1) The members of the existing executive councils for Essex, Hertfordshire, Kent and Canterbury, London and Middlesex, and the members of the ophthalmic services committees of those councils, shall go out of office on 31st March 1965.

(2) Any casual vacancy which exists at the commencement of this order or occurs before the appointed day in the membership of any executive council or ophthalmic services committee affected by this order shall not be filled if the appointing authority so resolve.

(3) The Minister may at any time after the commencement of this order recognise for the areas of the new executive councils such local committees as are described in section 32(1) of the Act of 1946, as amended by the Schedule to the National Health Service (Amendment) Act 1949(a), as the local medical committee, the local pharmaceutical committee, the local dental committee and the local optical committee, and references to the local medical committee, the local pharmaceutical committee and the local dental committee in Schedule 2 are references to committees so recognised.

(4) The appointing authorities for the new executive councils shall be those set out under the names of the respective councils in column (1) of Schedule 2.

(5) Each appointing authority shall appoint the number of members specified in respect of that authority in column (2) of Schedule 2.

(6) The initial members of a new executive council shall be appointed not later than 30th November 1964, and of such members the number so specified in column (3) shall be appointed for one year, the number so specified in column (4) for two years and the number so specified in column (5) for three years:

Provided that if the appointing authority so resolve all their initial members may be appointed for one year only, and in that event they shall before 1st January 1966 appoint the appropriate number of members to serve from 1st April 1966 for the remainder of the periods of two and three years referred to in this paragraph.

(7) The proceedings of a new executive council or any ophthalmic services committee or other committee thereof shall not be invalidated if any appointing authority fails to appoint, by the date specified in paragraph (6) of this article, any initial member of that council whom they are required to appoint.

*Preliminary work of new executive councils*

5.—(1) Each appointing authority shall forthwith give notice in writing of the name and address of any person appointed by them under article 4 to the appropriate convening clerk or joint convening clerks, who shall forthwith inform the Minister of the name and address of any member so notified.

For the purposes of this article—

(a) the appropriate convening clerk in the case of a reconstituted council shall be the clerk to that council, and

(b) the appropriate joint convening clerks shall be—

(i) in the case of the new executive council for North-East London, the clerks to the executive councils for East Ham and West Ham, and

(ii) in the case of the new executive council for South-West London and Surrey, the clerks to the executive councils for Surrey and Croydon.

(2) The first meeting of each new executive council shall be convened by the appropriate convening clerk or clerks not later than 23rd December 1964.

(3) Each new executive council shall take such action (including the incurring of any necessary expenditure and the obtaining of any necessary nominations to their ophthalmic services committee) as is requisite to ensure their effective operation as from the appointed day.

#### *Preparation of lists*

6.—(1) In this article “lists” means the medical, pharmaceutical, dental, and ophthalmic lists of persons (hereinafter called “practitioners”) required to be prepared and published by an executive council pursuant to sections 33, 38, 40 and 41 respectively of the Act of 1946.

(2) Before the appointed day the new executive councils shall draw up lists containing the names of all practitioners referred to in column (2) of Schedule 3 opposite their respective names in column (1), but excluding any practitioners specified in column (3).

(3) Any practitioner who is included in a list by virtue of this order shall be deemed to have been included pursuant to his application for the provision of services in the area concerned made to the existing executive council responsible for that area.

(4) Nothing in this order shall entitle any medical practitioner to provide services in any parts of an area affected by this order unless he was specifically entitled to provide services in those parts immediately before the appointed day.

#### *Continuance of services, etc., in retained areas*

7.—(1) In this article “retained area” means any part of the existing area of a reconstituted executive council which will be within the area of that council as reconstituted on the appointed day.

(2) Nothing in this order shall affect—

- (a) any arrangement made or anything done before the appointed day by any reconstituted executive council, or by any other body or person, in relation to services in any retained area ;
- (b) any decision given before the appointed day by the local medical committee or local dental committee for the area of any reconstituted executive council in relation to services in any retained area ;
- (c) any proceedings under Part II of the National Health Service (Service Committees and Tribunal) Regulations 1956(a) in relation to services provided before the appointed day in a retained area ;
- (d) any proceedings under the National Health Service (General Dental Services) Regulations 1964(b) or the National Health Service (Supplementary Ophthalmic Services) Regulations 1956(c) for determining whether the replacement of a dental or optical appliance for a patient in a retained area is necessitated by lack of care.

#### *Continuance of services, etc., in transferred areas*

8.—(1) In this article “transferred area” means an area described in column (1) of Schedule 4, being an area to be transferred on the appointed day from the area of one executive council to the area of another executive council.

(a) S.I. 1956/1077 (1956 I, p. 1554).

(b) S.I. 1964/755 (1964 II, p. 1519).

(c) S.I. 1956/1078 (1956 I, p. 1524).



(2) All arrangements in relation to a transferred area made by the existing executive council specified in column (2) of Schedule 4 against the description of the area shall remain of full force and effect as if made by the new executive council specified in column (3) thereof against the said description, and without prejudice to the generality of the foregoing—

- (a) any scheme made, consent given or requirement imposed by the existing executive council and in force immediately before the appointed day shall have effect as if it had been made, given or imposed by the new executive council ;
- (b) any direction given by, or to, the existing executive council and in force immediately before the appointed day shall have effect as if it had been given by, or to, the new executive council ;
- (c) any representations made by the existing executive council to the Tribunal shall have effect as if made by the new executive council ;
- (d) any decision given before the appointed day by the local medical committee or local dental committee for the area of the existing executive council shall have effect as if it had been given by the local medical committee or local dental committee for the area of the new executive council.

(3) Any services which have been commenced in a transferred area but not completed before the appointed day may be continued with the substitution, as regards any action (including payment) by an executive council, of the new executive council for the existing executive council, but otherwise in all respects as if this order had not been made.

(4) Any proceedings under Part II of the National Health Service (Service Committees and Tribunal) Regulations 1956 in relation to services provided before the appointed day in a transferred area may be instituted and carried on or, as the case may be, continued by or before the new executive council specified in column (3) of Schedule 4 against the description of the area ; and any direction for the withholding of remuneration following such proceedings may be given to such new executive council as the Minister thinks fit.

(5) Any proceedings before an existing executive council commenced before the appointed day under the National Health Service (General Dental Services) Regulations 1964 or the National Health Service (Supplementary Ophthalmic Services) Regulations 1956 for determining whether the replacement of a dental or optical appliance for a patient in a transferred area is necessitated by lack of care shall be continued with the substitution for the existing executive council of the new executive council specified in column (3) of Schedule 4 against the description of the area, but otherwise in all respects as if this order had not been made.

#### *Accounts of dissolved executive councils*

9. The accounts of the dissolved executive councils shall be made up to the appointed day and shall be audited in like manner and subject to the like incidents and consequences as if this order had not been made.

#### *Financial arrangements*

10. The Minister may make such financial adjustments between executive councils as appear to him to be required in consequence of the provisions of this order, and he may direct any existing executive council to meet expenditure incurred by any new executive council before the appointed day.

## PART III

## TRANSFER OF PROPERTY AND OFFICERS

*Definitions***11. In this part of this order—**

“officer” includes the holder of any place, situation or employment ;

“successor council” means the new executive council specified in the following table against the respective names of each of the dissolved executive councils—

**Dissolved executive council—**

The executive council for  
Croydon.

The executive council for  
East Ham.

The executive council for  
Surrey.

The executive council for  
West Ham.

**Successor council—**

The executive council for South-  
West London and Surrey.

The executive council for North-  
East London.

The executive council for South-  
West London and Surrey.

The executive council for North-  
East London.

*Transfer of property, etc.***12. Subject to the provisions of articles 8 and 13—**

- (a) all property and liabilities vested in or attaching to a dissolved executive council shall by virtue of this order be transferred to and vest in or attach to the successor council ;
- (b) all contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, a dissolved executive council shall be of full force and effect in favour of, or against, the successor council ;
- (c) any action or proceeding or any cause of action or proceeding pending or existing at the appointed day, by, or against, a dissolved executive council shall not be prejudicially affected by this order, and may be continued, prosecuted or enforced by, or against, the successor council ;
- (d) all interests in or attaching to any premises held or used for the purposes of the existing executive council for Essex, and all rights and liabilities (including rights and liabilities arising from the service of statutory notices) to which that council was entitled or subject immediately before the appointed day solely in respect of those premises, shall by virtue of this order be transferred to and vest in the new executive council for North-East London ; and so much of the office furniture and equipment of the existing executive council for Essex shall be transferred to the new executive council for North-East London as that council and the new executive council for Essex may agree or as the Minister, in the case of disagreement, may on the application of either council determine ;
- (e) all books, records and documents in the custody of an existing executive council specified in column (2) of Schedule 4 which relate wholly or in part to a transferred area specified in column (1) of that Schedule (other than the areas numbered 3, 4, 7 or 9) shall remain in the custody of that council as reconstituted by this order or shall be transferred to the custody of the new executive council specified

in column (3) of that Schedule against the description of the said area as the two councils may agree or as the Minister, in case of disagreement, may on the application of either council determine.

#### *Transfer of officers*

13.—(1) The new executive councils for Essex, North-East London and South-West London and Surrey shall consider the number and grades of officers required for the discharge of their respective functions and shall make a joint scheme, which shall be notified to the Minister not later than 16th March 1965, providing for the transfer of—

(a) named officers of the dissolved executive councils and

(b) named officers of the existing executive councils for Essex and Middlesex who are included in the lists described in paragraph (2) of this article,

who have consented to such transfer, from those councils to the new executive council for Essex, North-East London or South-West London and Surrey; and those officers shall be transferred to and become officers of the appropriate council as from the appointed day.

(2) The lists referred to in paragraph (1) of this article are lists which the existing executive councils for Essex and Middlesex shall respectively prepare of such of their officers as are likely to suffer loss of employment which will be attributable to the provisions of this order.

(3) Any person who immediately before the appointed day is an officer of a dissolved executive council and who is not transferred pursuant to the joint scheme required by this article shall on that day be transferred to and become an officer of the successor council.

#### *Protection of officers transferred*

14.—(1) Every officer transferred by or under article 13 to the employment of any new executive council shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before the appointed day. The said new terms and conditions shall be such that—

(a) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before the appointed day, the scale of his salary and remuneration, and

(b) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before the appointed day; and any question whether duties are reasonably comparable as aforesaid shall be determined by a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor.

(2) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1963<sup>(a)</sup> shall not be regarded as a statement of new terms and conditions for purposes of this article unless the statement so indicates.

#### *Secondary transfers*

15. Any officer transferred by or under article 13 to the employment of any new executive council may before he is served with the statement in writing of new terms and conditions of employment referred to in

(a) 1963 c. 49.

article 14(1) be transferred by the said council, with his agreement and the agreement of any other new executive council, to the employment of that council, and article 14 shall thereupon apply to such officer as it applies to officers transferred by article 13.

### *Compensation*

16. In relation to any person who suffers loss of employment or loss or diminution of emoluments which is attributable to the provisions of this order and to whom the Local Government (Executive Councils) (Compensation) Regulations 1964(a) apply, the material date for purposes of those regulations (other than regulations 3 and 5) shall be the appointed day.

## PART IV

### REVOCATION OF ORDER

#### *Revocation of Order*

17. With effect from the appointed day the National Health Service (Kent and Canterbury) Executive Council Order 1947(b) shall be revoked.

### SCHEDULE 1

Article 3(5)

#### AREAS OF NEW EXECUTIVE COUNCILS

<i>Executive council</i>	<i>Area (by reference to administrative areas as established or altered by Part I of the London Government Act 1963)</i>
Essex ... ..	The administrative county of Essex.
Hertfordshire ... ..	The administrative county of Hertfordshire.
Inner London ... ..	The city of London The Inner Temple and the Middle Temple. The London boroughs of Camden, Greenwich, Hackney, Hammersmith, Islington, Kensington and Chelsea, Lambeth, Lewisham, Southwark, Tower Hamlets, Wandsworth and Westminster.
Middlesex ... ..	The London boroughs of Barnet, Brent, Ealing, Enfield, Haringey, Harrow, Hillingdon and Hounslow.
North-East London ... ..	The London boroughs of Barking, Havering, Newham, Redbridge and Waltham Forest.
South-East London and Kent ...	The London boroughs of Bexley and Bromley. The county borough of Canterbury. The administrative county of Kent.
South-West London and Surrey	The London boroughs of Croydon, Kingston upon Thames, Merton, Richmond upon Thames and Sutton. The administrative county of Surrey.

(a) S.I. 1964/1177 (1964 II, p. 2696).

(b) S.R. & O. 1947/1093.

## SCHEDULE 2

## Article 4

## CONSTITUTION OF NEW EXECUTIVE COUNCILS

(1) <i>Appointing authorities</i>	(2) <i>Number of members to be appointed—</i>	(3) <i>For one year</i>	(4) <i>For two years</i>	(5) <i>For three years</i>
<b>ESSEX</b>				
The county council of Essex ... ..	8	2	3	3
The Minister ... ..	5	2	1	2
The local medical committee ... ..	7	2	3	2
The local dental committee ... ..	3	1	1	1
The local pharmaceutical committee ... ..	2	1	—	1
	—	—	—	—
	25	8	8	9
	—	—	—	—
<b>HERTFORDSHIRE</b>				
The county council of Hertfordshire ... ..	8	2	3	3
The Minister ... ..	5	2	1	2
The local medical committee ... ..	7	2	3	2
The local dental committee ... ..	3	1	1	1
The local pharmaceutical committee ... ..	2	1	—	1
	—	—	—	—
	25	8	8	9
	—	—	—	—
<b>INNER LONDON</b>				
The common council of the city of London ... ..	1	—	—	1
The council of the London borough of Camden ... ..	1	—	1	—
The council of the London borough of Greenwich ... ..	1	1	—	—
The council of the London borough of Hackney ... ..	1	—	—	1
The council of the London borough of Hammersmith ... ..	1	—	1	—
The council of the London borough of Islington ... ..	1	1	—	—
The council of the Royal borough of Kensington and Chelsea ... ..	1	—	—	1
The council of the London borough of Lambeth ... ..	1	—	1	—
The council of the London borough of Lewisham ... ..	1	1	—	—
The council of the London borough of Southwark ... ..	1	—	—	1
The council of the London borough of Tower Hamlets ... ..	1	—	1	—
The council of the London borough of Wandsworth ... ..	1	1	—	—
The council of the city of Westminster The Minister ... ..	1	—	—	1
The local medical committee ... ..	7	2	3	2
The local medical committee ... ..	11	4	3	4
The local dental committee ... ..	5	2	2	1
The local pharmaceutical committee ... ..	3	1	1	1
	—	—	—	—
	39	13	13	13
	—	—	—	—

SCHEDULE 2—(continued)				
(1)	(2)	(3)	(4)	(5)
<i>Appointing authorities</i>	<i>Number of members to be appointed—</i>	<i>For one year</i>	<i>For two years</i>	<i>For three years</i>
<b>MIDDLESEX</b>				
The council of the London borough of Barnet ... ..	1	—	—	1
The council of the London borough of Brent ... ..	1	—	1	—
The council of the London borough of Ealing ... ..	1	1	—	—
The council of the London borough of Enfield ... ..	1	—	—	1
The council of the London borough of Haringey ... ..	1	—	1	—
The council of the London borough of Harrow ... ..	1	1	—	—
The council of the London borough of Hillingdon ... ..	1	—	—	1
The council of the London borough of Hounslow ... ..	1	—	1	—
The Minister ... ..	5	2	1	2
The local medical committee ... ..	7	2	3	2
The local dental committee ... ..	3	1	1	1
The local pharmaceutical committee ... ..	2	1	—	1
	—	—	—	—
	25	8	8	9
	—	—	—	—
<b>NORTH-EAST LONDON</b>				
The council of the London borough of Barking ... ..	2	—	1	1
The council of the London borough of Havering ... ..	2	1	1	—
The council of the London borough of Newham ... ..	2	1	—	1
The council of the London borough of Redbridge ... ..	2	—	1	1
The council of the London borough of Waltham Forest ... ..	2	1	1	—
The Minister ... ..	5	2	1	2
The local medical committee ... ..	8	2	3	3
The local dental committee ... ..	4	2	1	1
The local pharmaceutical committee ... ..	2	—	1	1
	—	—	—	—
	29	9	10	10
	—	—	—	—
<b>SOUTH-EAST LONDON AND KENT</b>				
The council of the London borough of Bexley ... ..	2	—	1	1
The council of the London borough of Bromley ... ..	2	1	1	—
The council of the county borough of Canterbury ... ..	1	—	—	1
The county council of Kent ... ..	6	2	2	2
The Minister ... ..	6	2	2	2
The local medical committee ... ..	9	3	3	3
The local dental committee ... ..	4	2	1	1
The local pharmaceutical committee ... ..	3	1	1	1
	—	—	—	—
	33	11	11	11
	—	—	—	—

## SCHEDULE 2—(continued)

(1) <i>Appointing authorities</i>	(2) <i>Number of members to be appointed—</i>	(3) <i>For one year</i>	(4) <i>For two years</i>	(5) <i>For three years</i>
<b>SOUTH-WEST LONDON AND SURREY</b>				
The council of the London borough of Croydon ... ..	2	—	1	1
The council of the Royal borough of Kingston upon Thames ... ..	1	1	—	—
The council of the London borough of Merton ... ..	1	—	—	1
The council of the London borough of Richmond upon Thames ... ..	1	—	1	—
The council of the London borough of Sutton ... ..	1	1	—	—
The county council of Surrey ... ..	5	1	2	2
The Minister ... ..	6	2	2	2
The local medical committee ... ..	9	3	3	3
The local dental committee ... ..	4	2	1	1
The local pharmaceutical committee ... ..	3	1	1	1
	—	—	—	—
	33	11	11	11
	—	—	—	—

## SCHEDULE 3

## Article 6(2)

## LISTS OF PRACTITIONERS

In this Schedule—

- (a) references to practitioners on lists are to practitioners whose names are included in those lists;
- (b) references to lists preceded by the name of an executive council are to the lists prepared by that council.

(1) <i>New executive council</i>	(2) <i>Practitioners to be included in lists—</i>	(3) <i>Exclusions—</i>
Essex ... ..	Practitioners on the existing Essex lists providing services in the area of the new executive council for Essex as defined in Schedule 1.	
Hertfordshire ... ..	Practitioners on the existing Hertfordshire lists Practitioners on the existing Middlesex lists providing services in the urban district of Potters Bar.	Practitioners on the existing Hertfordshire lists solely for providing services in the urban districts of Barnet and East Barnet, or either of them.
Inner London ... ..	Practitioners on the existing London lists.	Practitioners on the existing London lists solely for providing services in the area numbered 6 in Schedule 4.

## SCHEDULE 3 (continued)

(1) <i>New executive council</i>	(2) <i>Practitioners to be included in lists—</i>	(3) <i>Exclusions—</i>
Middlesex ... ..	Practitioners on the existing Middlesex lists. Practitioners on the existing Hertfordshire lists providing services in the urban districts of Barnet or East Barnet.	Practitioners on the existing Middlesex lists solely for providing services in the borough of Twickenham or the urban districts of Potters Bar, Staines or Sunbury-on-Thames, or any one or more of those areas.
North-East London	Practitioners on the existing Essex lists providing services in the area of the new executive council for North-East London as defined in Schedule 1. Practitioners on the existing East Ham and West Ham lists. Practitioners on the existing London lists providing services in the area numbered 6 in Schedule 4.	
South-East London and Kent.	Practitioners on the existing Kent and Canterbury lists.	
South-West London and Surrey	Practitioners on the existing Croydon and Surrey lists. Practitioners on the existing Middlesex lists providing services in the borough of Twickenham or in the urban districts of Staines or Sunbury-on-Thames.	

## SCHEDULE 4

Articles 8 and 12

## DESCRIPTION OF TRANSFERRED AREAS

Ref. No.	(1) <i>Area transferred (by reference to existing administrative areas)</i>	(2) <i>From (existing executive council)</i>	(3) <i>To (new executive council)</i>
1.	The urban district of Potters Bar.	Middlesex	Hertfordshire
2.	The urban districts of Barnet and East Barnet.	Hertfordshire	Middlesex
3.	The county borough of East Ham.	East Ham	North-East London
4.	The county borough of West Ham.	West Ham	North-East London



SCHEDULE 4 (*continued*)

<i>Ref. No.</i>	(1) <i>Area transferred (by reference to existing administrative areas)</i>	(2) <i>From (existing executive council)</i>	(3) <i>To (new executive council)</i>
5.	The boroughs of Barking, Chingford, Dagenham, Ilford, Leyton, Romford, Walthamstow and Wanstead and Woodford; the urban district of Hornchurch; and so much of the urban district of Chigwell as lies south of the boundary referred to in paragraph 4 of Part II of Schedule I to the London Government Act 1963.	Essex	North-East London
6.	So much of the metropolitan borough of Woolwich as lies north of the line of the centre of the navigable channel of the River Thames at low water.	London	North-East London
7.	The county borough of Croydon.	Croydon	South-West London and Surrey.
8.	The borough of Twickenham and the urban districts of Staines and Sunbury-on-Thames.	Middlesex	South-West London and Surrey.
9.	The administrative county of Surrey.	Surrey	South-West London and Surrey.

Given under the official seal of the Minister of Health on 6th November 1964.

(L.S.)

*Kenneth Robinson,*  
Minister of Health.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order provides for a reorganisation of National Health Service Executive Councils in and around Greater London following the reorganisation of local government in Greater London from 1st April 1965. The changes involved are as follows:—

- (a) the executive council for Kent and Canterbury will continue to function in their present area with a change of name only ;
- (b) the executive councils for Essex and for Hertfordshire will function in the counties of Essex and Hertfordshire respectively as they will be from 1st April 1965 ;
- (c) the executive councils for London and for Middlesex will continue to function in their present areas but with boundary adjustments, and with a change of name for the former ;
- (d) the executive councils for Croydon, East Ham, Surrey and West Ham will be dissolved ;
- (e) new executive councils will be constituted for—
  - (i) North-East London, comprising the county boroughs of East Ham and West Ham, a small part of the metropolitan borough of Woolwich, and that part of the present county of Essex which will be within Greater London from 1st April 1965 ; and
  - (ii) South-West London and Surrey, comprising the present county of Surrey, the county borough of Croydon and certain areas now in Middlesex.

The Order contains provisions relating to the constitution or reconstitution of the executive councils concerned, and also contains consequential provisions relating inter alia to membership, continuance of services, transfer of property and staff, and compensation.

1964 No. 1782

**INDUSTRIAL TRAINING****The Industrial Training (Shipbuilding Board) Order 1964**

<i>Made</i> - - - -	10th November 1964
<i>Laid before Parliament</i>	18th November 1964
<i>Coming into Operation</i>	19th November 1964

The Minister of Labour (hereinafter referred to as "the Minister") after consultation with organisations and associations of organisations appearing to be representative respectively of substantial numbers of employers engaging in the activities hereinafter mentioned and of substantial numbers of persons employed in those activities and with the bodies established for the purpose of carrying on under national ownership industries in which the said activities are carried on to a substantial extent and by virtue of the powers conferred on him by section 1 of, and paragraphs 1 and 7 of the Schedule to, the Industrial Training Act 1964(a) (hereinafter referred to as "the Act") and of all other powers enabling him in that behalf hereby makes the following Order :—

*Citation, commencement and interpretation*

1.—(1) This Order may be cited as the Industrial Training (Shipbuilding Board) Order 1964 and shall come into operation on 19th November 1964.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

*Establishment of Industrial Training Board*

2. An industrial training board to be known as the Shipbuilding Industry Training Board (hereinafter referred to as "the Board") is hereby established to exercise in relation to the activities specified in Schedule 1 to this Order as the activities of the shipbuilding industry the functions conferred on industrial training boards by the Act.

*Membership and proceedings of the Board*

3. The provisions of Schedule 2 to this Order shall have effect in relation to the Board.

Dated 10th November 1964.

*R. J. Gunter,*  
Minister of Labour.

## SCHEDULE 1

## THE SHIPBUILDING INDUSTRY

1. Subject to the provisions of this Schedule, the activities of the shipbuilding industry are the following activities in so far as they are carried out in Great Britain:—

- (a) all operations carried out at or from a yard or dry dock (including the precincts thereof) or a harbour or wet dock in the construction, reconstruction, repair, refitting, painting or finishing of ships or vessels or other floating constructions;
- (b) the preparation of drawings for the purpose of the construction of the hulls of ships or vessels;
- (c) when carried out in conjunction with any of the foregoing activities, any of the following activities, that is to say—
  - (i) research, development, design or drawing;
  - (ii) operations in connection with sale, packing, warehousing, distribution or transport;
  - (iii) work done at any office or laboratory, at any store, warehouse or similar place or at a garage;
- (d) any other activities of industry or commerce carried out at or from an establishment engaged mainly in one or more of the foregoing activities.

2. Notwithstanding anything contained in this Schedule there shall not be included in the activities of the shipbuilding industry:—

- (a) the supply of food or drink for immediate consumption;
- (b) the activities of any establishment engaged mainly in one or more activities not included in paragraph 1 of this Schedule;
- (c) any operations when carried out by the master or a member of the crew of a ship or vessel;
- (d) any operations mentioned in paragraph 1(a) of this Schedule when carried out by a person undergoing a course of training as a sea-going officer or rating (otherwise than in the sea-fishing service) under an agreement in writing with an employer in the shipping industry or with any organisation of employers in that industry or any association of such organisations.

3.—(1) In this Schedule—

- (a) “company”, “holding company” and “subsidiary” have the same meanings as in section 154 of the Companies Act 1948(a);
- (b) “ship”, “vessel” and “harbour” have the same meanings as in the Merchant Shipping Act 1894(b).

(2) For the purposes of this Schedule an activity shall not be deemed to be carried out in conjunction with any other activity unless such activities are carried out by the same employer, or by a holding company and another company which is a subsidiary of the holding company, or by companies which are subsidiaries of the same holding company.

## SCHEDULE 2

## MEMBERSHIP

1. The appointment of a member of the Board shall be for such term as the Minister may determine and, subject to the provisions of this Schedule, a member shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member.

2. A person who has held office as a member of the Board shall be eligible for reappointment.

3. A member of the Board may resign his office by notice in writing to the Minister and the resignation shall have effect on such date as the Minister shall appoint.

4. If a member of the Board—

(a) is absent from meetings of the Board for more than six months consecutively, unless his absence is due to illness or some other reason approved by the Minister ; or

(b) becomes in the opinion of the Minister unfit to continue in office or incapable of performing his duties ;

the Minister may declare the office of that member to be vacant and shall notify the fact in such manner as he shall think fit, and thereupon the office of the member shall become vacant.

#### PROCEEDINGS AND MEETINGS

5. At a meeting of the Board one-third of the members shall be the quorum, or if the number so ascertained includes a fraction the nearest higher whole number of members.

6. The chairman or if absent the deputy chairman (if any) shall preside at all meetings of the Board at which he shall be present, but if at any meeting the said chairman and any deputy chairman be not present within 10 minutes of the time appointed for holding the meeting the members present shall choose some one of their number to be chairman of the meeting.

7. At a meeting of the Board a resolution put to the vote on any matter not relating to the imposition of a levy shall be decided on a show of hands of the members present and voting ; each member shall have one vote and if the votes are equally divided the chairman of the meeting shall have a second or casting vote.

8.—(1) If at a meeting of the Board a resolution relating to the imposition of a levy is put to the vote of the members appointed as mentioned in paragraph 3(a) of the Schedule to the Act, each such member shall have one vote, and the resolution shall be decided on a show of hands of those members present and voting unless a poll is demanded by any such member (before or on the declaration of the result of the show of hands) in which case the poll shall be taken forthwith and the votes may be given either personally or by proxy.

(2) The instrument appointing a proxy shall be in writing under the hand of the appointor, and the proxy shall be a member of the Board appointed as mentioned in paragraph 3(a) of the Schedule to the Act.

(3) An instrument appointing a proxy shall be in the following form or a form as near thereto as circumstances admit :—

I ..... of ..... in the county of ..... being a member of the Shipbuilding Industry Training Board appointed as mentioned in paragraph 3(a) of the Schedule to the Industrial Training Act 1964, hereby appoint ..... of ..... or failing him ..... of ..... as my proxy to vote for me on my behalf on any matter relating to the imposition of a levy at the meeting of the said Board to be held on the ..... day of ..... 19 ..... and at any adjournment thereof.

Signed this .....day of ..... 19.....

(4) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death or insanity of the principal or revocation of the proxy, provided that no intimation in writing of any such death, insanity or revocation shall have been received by the Board at its office before the commencement of the meeting or adjourned meeting at which the proxy is used.

9. Minutes shall be kept of the proceedings of the Board and any such minutes shall, if signed by any person purporting to have acted as chairman of the meeting or at a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting, and a meeting to which any such minutes relate shall, unless the contrary is proved, be taken to have been regularly convened and constituted.

10. The Board shall have an office at which communications and notices will at all times be received and shall notify to the Minister the address of that office and any change of that address.

#### EXECUTION AND ISSUE OF INSTRUMENTS

11. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and of the secretary or some other person authorised by the Board so to act.

12. Every document purporting to be a document duly executed or issued either under the seal of the Board authenticated in the manner provided by this Schedule or on behalf of the Board, or purporting to be signed by the secretary or any other person, being a member, officer or servant of the Board authorised to act in that behalf, shall, until the contrary be proved, be deemed to be a document so executed or issued or so signed as the case may be.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which is made under the Industrial Training Act 1964, establishes an industrial training board to be known as the Shipbuilding Industry Training Board, and defines the industry to which it relates. Provision is made as to the membership of the Board and its meetings and proceedings.

1964 No. 1783

## CIVIL AVIATION

**The Air Navigation (Restriction of Flying) (Atomic Energy Establishments) (Amendment) Regulations 1964**

*Made* - - - - 9th November 1964

*Coming into Operation* 16th November 1964

The Minister of Aviation, in exercise of the powers conferred on him by Article 57 of the Air Navigation Order 1960(a), as amended(b), and of all other powers enabling him in that behalf, hereby makes the following Regulations :

1. These Regulations may be cited as the Air Navigation (Restriction of Flying) (Atomic Energy Establishments) (Amendment) Regulations 1964 and shall come into operation on 16th November 1964.

2. The Interpretation Act 1889(c) applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

3. The Air Navigation (Restriction of Flying) (Atomic Energy Establishments) Regulations 1960(d) shall be amended by adding to Regulation 3 the following proviso :—

“ Provided that nothing in this Regulation shall prohibit, in relation to the Atomic Energy Establishment at Springfields, flight at a height of not less than 1,670 feet above mean sea level for the purpose of landing at Blackpool (Squires Gate) Aerodrome.”

*R. R. Goodison,*

An Under Secretary of the Ministry of Aviation.

9th November 1964.

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the Air Navigation (Restriction of Flying) (Atomic Energy Establishments) Regulations 1960, in so far as they relate to the Springfields Atomic Energy Establishment, so as to allow flight below 2,000 feet above ground level but above 1,670 feet above mean sea level for the purpose of landing at Blackpool (Squires Gate) Aerodrome.

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(a) S.I. 1960/972 (1960 I, p. 599). (b) The relevant amending instrument is S.I. 1962/1332 (1962 II, p. 1423).

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1960/1426 (1960 I, p. 710).

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**STATUTORY INSTRUMENTS**


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**1964 No. 1784**

**CUSTOMS AND EXCISE**

**The Composite Goods (Amendment) Order 1964**

*Made* - - - - - 11th November 1964  
*Laid before the*  
*House of Commons* 11th November 1964  
*Coming into Operation* 12th November 1964

Whereas on the 11th November 1964 a resolution was passed by the Committee of Ways and Means of the House of Commons increasing the duty of customs on hydrocarbon oils, which resolution has statutory effect under the Provisional Collection of Taxes Act 1913(a) :

Now, therefore, the Lords Commissioners of Her Majesty's Treasury, by virtue of the powers conferred on them by Schedule 2 to the Finance Act 1957(b) and in view of the said resolution, hereby make the following Order :—

1. As from the date of the coming into operation of this Order, the Composite Goods Order 1964(c) shall have effect with the substitution in Article 2 thereof and in the Schedule thereto of 6½ per cent for 5½ per cent.

2.—(1) This Order may be cited as the Composite Goods (Amendment) Order 1964.

(2) This Order shall come into operation on the 12th November 1964.

*Harriet Slater,*  
*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

11th November 1964

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**EXPLANATORY NOTE**

*(This Note does not form part of the Order, but is intended to indicate its general purport.)*

This Order increases the rate of hydrocarbon oil duty, chargeable on imported composite goods of the categories specified in the Schedule to the Composite Goods Order 1964, from 5½ per cent ad valorem to 6½ per cent ad valorem. The increase reflects the change in the rate of customs duty on hydrocarbon oils made by resolution of the Committee of Ways and Means of the House of Commons on 11th November 1964.

(a) 3 & 4 Geo. 5. c. 3. (b) 5 & 6 Eliz. 2. c. 49. (c) S.I. 1964/1341 (1964 II, p. 3056).



1964 No. 1791 (S. 113)

**TOWN AND COUNTRY PLANNING, SCOTLAND**

**The Town and Country Planning (General Development)  
(Scotland) Amendment Order 1964**

<i>Made</i> - - - -	6th November 1964
<i>Laid before Parliament</i>	17th November 1964
<i>Coming into Operation</i>	23rd November 1964

In exercise of the powers conferred on me by sections 11 and 107 of the Town and Country Planning (Scotland) Act 1947(a) and of all other powers enabling me in that behalf, I hereby order as follows:—

1.—(1) This order may be cited as the Town and Country Planning (General Development) (Scotland) Amendment Order 1964 and the Town and Country Planning (General Development) (Scotland) Orders 1950 to 1963 and this order may be cited together as the Town and Country Planning (General Development) (Scotland) Orders 1950 to 1964.

(2) This order shall come into operation on 23rd November 1964.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. The Town and Country Planning (General Development) (Scotland) Order 1950(c) is hereby amended by the substitution, in column (1) of Class XI in Part I of Schedule 1, for the words from the beginning to “the land upon which it may be carried out”, of the following words:—

“Development authorised (i) by any local or private Act of Parliament or (ii) by any order approved by both Houses of Parliament or (iii) by any order made under section 14 or section 16 of the Harbours Act 1964(d) being in any such case a local or private Act or an order which designates specifically both the nature of the development thereby authorised and the land upon which it may be carried out :”

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
6th November 1964.

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(a) 10 & 11 Geo. 6. c. 53.  
(c) S.I. 1950/942 (1950 II, p. 1107).

(b) 52 & 53 Vict. c. 63.  
(d) 1964 c. 40.

**EXPLANATORY NOTE**

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order amends the Town and Country Planning (General Development) (Scotland) Order 1950, by adding to Class XI (Development under local or private Acts or Orders) of Part I of Schedule 1, development specifically authorised by orders made under section 14 or section 16 of the Harbours Act 1964, which provide respectively for securing harbour efficiency by statutory harbour authorities in improving, maintaining or managing their harbours and for the conferring of powers on persons who wish to construct, improve, maintain or manage harbours or certain docks and inland waterways. The effect of this amendment is that such development is permitted by article 3 of the 1950 Order.

1964 No. 1798

**ATOMIC ENERGY AND RADIOACTIVE SUBSTANCES**

**LICENSING AND REGULATION OF SITES**

**The Nuclear Installations (Amendment) Regulations 1964**

*Made* - - - - 11th November 1964  
*Laid before Parliament* 18th November 1964  
*Coming into Operation* 23rd November 1964

The Minister of Power and the Secretary of State in exercise of the powers conferred upon them by Sections 1 and 10 of the Nuclear Installations (Licensing and Insurance) Act 1959(a) and of all other powers them enabling hereby jointly make the following Regulations:—

1. These Regulations shall come into operation on 23rd November 1964, and may be cited as the Nuclear Installations (Amendment) Regulations 1964.

2. The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. The Nuclear Installations Regulations 1962(c) shall have effect subject to the following modification:—

For Regulation 3(d) there shall be substituted the following paragraph:—

“(d) any installation designed or adapted for the storage or processing of irradiated nuclear fuel other than

- (i) storage incidental to the carriage of such nuclear fuel,
- (ii) processing carried out solely for the purpose of chemical or isotopic assay or metallographic investigation of such nuclear fuel, or
- (iii) storage incidental to any of the purposes referred to in subparagraph (ii) hereof.”

*F. Lee,*  
 Minister of Power.

10th November 1964.

*William Ross,*  
 One of Her Majesty's  
 Principal Secretaries of State.

11th November 1964.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, made by the Minister of Power and the Secretary of State for Scotland acting jointly, amend the Nuclear Installations Regulations 1962, which prescribed for the purpose of Section 1(1)(b) of the Nuclear Installations (Licensing and Insurance) Act 1959 certain classes of installations designed or adapted for carrying out processes which are preparatory or ancillary to the production or use of atomic energy and which involve or might cause the emission of ionising radiations; the 1962 Regulations also prescribed installations for the storage of irradiated nuclear fuel.

Regulation 3(d) of the 1962 Regulations prescribed any installation designed or adapted for the storage or processing of irradiated nuclear fuel other than storage incidental to the carriage of such nuclear fuel. The present Regulations amend this Regulation so as to exclude from its scope, in addition to storage incidental to carriage, processes carried out solely for the purpose of chemical or isotopic assay or metallographic investigation and storage incidental to any of these purposes.

## 1964 No. 1800

## PENSIONS

**The Superannuation (Transfers between the Civil Service and Public Boards) (Amendment) Rules 1964**

*Made* - - - - 13th November 1964

*Laid before Parliament* 19th November 1964

*Coming into Operation* 20th November 1964

The Treasury, in exercise of the powers conferred upon them by sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act 1948(a), and of all other powers enabling them in that behalf, hereby make the following Rules:—

1. The Superannuation (Transfers between the Civil Service and Public Boards) Rules 1950(b) (hereafter in these Rules referred to as “the principal Rules”), as amended(c), shall have effect as if the following body were added to the Schedule thereto, that is to say:—

The Metropolitan Water Board.

2. In their application to any person who becomes employed as a civil servant after ceasing to be in the pensionable employment of the Metropolitan Water Board the principal Rules shall have effect as if:—

(a) in Rule 3(1)(d) and (e) thereof the references to the date of the making of the principal Rules were references to the date of the making of these Rules; and

(b) in Rule 3(2) thereof the first reference to the coming into operation of the principal Rules were a reference to the coming into operation of these Rules but on or after 1st September 1962, the words “or before the passing of the Act” were omitted, and the reference in the Proviso to the coming into operation of the principal Rules were a reference to the coming into operation of these Rules.

3. In their application to any person who enters the pensionable employment of the Metropolitan Water Board after ceasing to be employed as a civil servant the principal Rules shall have effect as if:—

(a) in Rule 7(1)(e) thereof the reference to the date of the making of the principal Rules were a reference to the date of the making of these Rules; and

(b) in Rule 7(2) thereof the first reference to the coming into operation of the principal Rules were a reference to the coming into operation of these Rules but on or after 1st September 1962, the words “or before the passing of the Act” were omitted, and the reference in the Proviso to the coming into operation of the principal Rules were a reference to the coming into operation of these Rules.

4. The Interpretation Act 1889(d) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

(a) 11 & 12 Geo. 6. c. 33.

(b) S.I. 1950/1539 (1950 II, p. 291).

(c) There are no relevant amending Instruments.

(d) 52 & 53 Vict. c. 63.

5. These Rules may be cited as the Superannuation (Transfers between the Civil Service and Public Boards) (Amendment) Rules 1964 and shall come into operation on 20th November 1964.

*Harriet Slater,*

*George Lawson,*

Two of the Lords Commissioners  
of Her Majesty's Treasury.

13th November 1964.

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### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules add the Metropolitan Water Board to the Schedule to the Superannuation (Transfers between the Civil Service and Public Boards) Rules 1950. The principal Rules provide for the aggregation of service and for a single superannuation award in cases where a person transfers from pensionable service with one of the bodies specified to an established post in the Civil Service or vice versa.

Under the powers of section 2(5) of the Superannuation (Miscellaneous Provisions) Act 1948 the Rules apply, subject to certain conditions, to persons who have transferred from one employment to the other before the coming into operation of the Rules, but only on or after 1st September 1962.

1964 No. 1808

## SEA FISHERIES

**The Sea-Fishing Industry (Landing of Immature Cod and Haddock) (Variation) Order 1964**

*Made* - - - - 12th November 1964  
*Laid before Parliament* 19th November 1964  
*Coming into Operation* 20th November 1964

The Minister of Agriculture, Fisheries and Food and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively) in exercise of the powers conferred upon them by section 2 of the Sea-Fishing Industry Act 1933(a) as amended by section 39(2) of the Sea Fish Industry Act 1938(b) and section 12 of the Sea Fish Industry Act 1962(c) and of all other powers enabling them in that behalf, and after consultation with the Board of Trade, hereby make the following Order:—

1. This Order may be cited as the Sea-Fishing Industry (Landing of Immature Cod and Haddock) (Variation) Order 1964 and shall come into operation on 20th November 1964.

2. The Sea-Fishing Industry (Landing of Immature Cod and Haddock) Order 1964(d) shall be varied by substituting in Article 2(1) for the definition of the area dividing line, the following definition:—

“the area dividing line’ means a line drawn west from the meridian of 51 degrees east longitude along the parallel of 66 degrees north latitude to the meridian of 10 degrees west longitude, thence south to the parallel of 62 degrees north latitude, thence west to the meridian of 28 degrees west longitude, thence south to the parallel of 59 degrees north latitude and thence west to the meridian of 44 degrees west longitude.”

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 10th November 1964.

(L.S.)

*T. F. Peart,*  
 Minister of Agriculture, Fisheries  
 and Food.

Given under the Seal of the Secretary of State for Scotland on 11th November 1964.

(L.S.)

*William Ross,*  
 Secretary of State for Scotland.

(a) 23 & 24 Geo. 5. c. 45.  
 (c) 10 & 11 Eliz. 2. c. 31.

(b) 1 & 2 Geo. 6. c. 30.  
 (d) S.I. 1964/422 (1964 I, p. 706).

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Given under the Hand of the Secretary of State for the Home Department on 12th November 1964.

*Frank Soskice,*  
Secretary of State for the Home  
Department.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to explain its general purport.)*

This Order amends the Sea-Fishing Industry (Landing of Immature Cod and Haddock Order) 1964 (which prohibits the landing in the United Kingdom of cod and haddock which are between specified lengths and which have been caught in defined waters) by increasing the extent of the waters to which that Order relates.



## 1964 No. 1811

### DANGEROUS DRUGS

#### The Dangerous Drugs (No. 2) Regulations 1964

*Made* - - - - 13th November 1964

*Laid before Parliament* 19th November 1964

*Coming into Operation* 1st December 1964

#### ARRANGEMENT OF REGULATIONS

##### PART I

##### CONTROL OF RAW OPIUM, &c.

##### *Regulation*

1. Application to drugs to which Part I of the Dangerous Drugs Act 1951 applies.
2. Supply, procuring and advertising of drugs.
3. Possession of drugs.
4. General authority for certain classes of persons to possess and supply drugs.
5. Keeping of register.

##### PART II

##### CONTROL OF SUBSTANCES FALLING WITHIN PART I OF SCHEDULE 1 TO THE DANGEROUS DRUGS ACT 1964

6. Application to substances falling within Part I of Schedule 1 to the Dangerous Drugs Act 1964.
7. Manufacture of drugs.
8. Supply, procuring and advertising of drugs and preparations.
9. Possession of drugs and preparations.
10. General authority for certain classes of persons to possess and supply drugs and preparations.
11. Prohibition on prescribing.
12. General authority for authorised sellers of poisons to manufacture preparations and retail drugs and preparations.
13. Special provisions in respect of owners and masters of ships, farmers and stockowners, and certified midwives.
14. Form of prescription.
15. Provisions as to supply on prescription.
16. Marking of packages and bottles.
17. Keeping of register or other records.
18. Exemption of certain prescriptions.

**PART III****GENERAL**

19. Definition of "drug".
20. Definition of "possession".
21. Supply otherwise than on prescription.
22. Withdrawal of authority.
23. Withdrawal of authority in Northern Ireland.
24. Consignment between places outside Great Britain.
25. Requirements as to registers.
26. Preservation of documents.
27. Exemption of constables and carriers.
28. Agents acting in the transfer of business and stock-in-trade.
29. Construction of licence or authority.
30. Revocation of licence or group authority.
31. Metric system and imperial system.
32. Interpretation.
33. Revocation.
34. Extent.
35. Citation and commencement.

**SCHEDULES****SCHEDULE 1**

Form of register.

**SCHEDULE 2**

Drugs and preparations to which Part II of these Regulations applies with certain modifications.

**SCHEDULE 3**

Form of certificate.

In pursuance of the powers conferred on me by section 3 of the Dangerous Drugs Act 1951(a) and section 9 of that Act as amended by section 1(2) of the Dangerous Drugs Act 1964(b), I hereby make the following Regulations :—

**PART I****CONTROL OF RAW OPIUM, &C.**

*Application to drugs to which Part I of the Dangerous Drugs Act 1951 applies*

1. This Part of these Regulations shall apply to any drug, resin or preparation, other than poppy-straw and extract or tincture of cannabis, to which Part I of the Dangerous Drugs Act 1951 as amended by the Dangerous Drugs Act 1964 applies, and hereafter in this Part of these Regulations the expression "drug" means any such drug, resin or preparation as aforesaid.

*Supply, procuring and advertising of drugs*

2.—(1) A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in Great Britain or else-

where, or advertise for sale, a drug, unless he is generally authorised, or, under this Regulation, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) (a) A person shall not supply or procure, or offer to supply or procure, a drug to or for any person in Great Britain unless that person is generally authorised, or, under Regulation 3 of these Regulations, licensed or authorised as a member of a group to be in possession of the drug and the drug is to be supplied or procured in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(b) A person shall not in Great Britain supply or procure, or offer to supply or procure, a drug to or for any person in Northern Ireland or the Isle of Man unless that person is entitled to be in possession of the drug and the drug is to be supplied or procured in accordance with the terms and conditions of that person's entitlement.

In this sub-paragraph "entitled" means entitled under any permission (by whatever name called) issued by, as the case may be, the Ministry of Home Affairs for Northern Ireland or the Lieutenant-Governor of the Isle of Man, or entitled under any provision relating to the drug and in force in, as the case may be, Northern Ireland or the Isle of Man and "entitlement" shall be construed accordingly.

#### *Possession of drugs*

3. A person shall not be in possession of a drug unless he is generally so authorised or, under this Regulation, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

#### *General authority for certain classes of persons to possess and supply drugs*

4.—(1) Subject to the provisions of these Regulations a person who is a member of any of the following classes, that is to say :—

- (a) duly qualified medical practitioners ;
- (b) registered veterinary surgeons and registered veterinary practitioners ;
- (c) authorised sellers of poisons ;
- (d) registered pharmaceutical chemists who are employed or engaged at a hospital, infirmary, health centre or dispensary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions and whose duties in that employment or engagement include the dispensing or supply of medicines for that or any other such institution ;
- (e) persons who are in charge of a laboratory used for the purposes of research or instruction and attached to—
  - (i) a university, university college or such a hospital or infirmary as aforesaid,
  - (ii) any other institution approved for the purposes of this Regulation by the Secretary of State ;
- (f) public analysts under and within the meaning of the Food and Drugs Act 1955(a) or, in Scotland, the Food and Drugs (Scotland) Act 1956(b) ;

(g) persons acting as sampling officers under and within the meaning of the said Acts ;

(h) persons duly appointed by the Pharmaceutical Society of Great Britain as inspectors under section 25 of the Pharmacy and Poisons Act 1933(a),

shall be authorised, so far as may be necessary for the practice or exercise of his said profession, function or employment, and in his capacity as a member of his said class, to be in possession of and to supply drugs.

(2) Every drug in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof shall, except when the necessities of the practice of the profession, function or employment, by virtue of which that person is authorised as aforesaid otherwise require, be kept in a locked receptacle which can be opened only by him or by some other person authorised by virtue of this Regulation to be in possession of the drug.

### *Keeping of register*

5. Every person generally authorised or licensed or authorised as a member of a group to supply any drugs shall comply with the following provisions, that is to say :—

(a) he shall, in accordance with the provisions of this Regulation and Regulation 25 of these Regulations, keep a register and enter therein in chronological sequence in the form specified in, as the case may be, Part I or Part II of Schedule 1 to these Regulations, true particulars with respect to every quantity of any drug obtained by him and with respect to every quantity of any drug supplied by him whether to persons within or to persons outside Great Britain ;

(b) he shall use a separate register or separate part of the register with respect to each of the following classes of drugs, that is to say :—

(i) raw opium,

(ii) coca leaves,

(iii) cannabis and cannabis resin and all preparations (other than extract and tincture of cannabis) of which cannabis resin forms the base.

## PART II

### CONTROL OF SUBSTANCES FALLING WITHIN PART I OF SCHEDULE 1 TO THE DANGEROUS DRUGS ACT 1964

#### *Application to substances falling within Part I of Schedule 1 to the Dangerous Drugs Act 1964*

6.—(1) This Part of these Regulations shall apply to any substance for the time being falling within Part I of Schedule 1 to the Dangerous Drugs Act 1964.

(2) In the following provisions of this Part of these Regulations the expression “drug” means any substance to which this Part of these Regulations applies other than a preparation as defined for the purpose of this Part of these Regulations in paragraph (3) of this Regulation.

(3) In this Part of these Regulations the expression “preparation” means any preparation, admixture, extract or other substance containing any proportion of a substance to which this Part of these Regulations applies.

*Manufacture of drugs*

**7.** A person shall not manufacture, or carry on any process in the manufacture of, a drug—

- (a) unless he is generally authorised, or licensed under this Regulation, so to do ;
- (b) except on premises on which he is permitted by his general authority so to do, or on premises licensed for the purpose under this Regulation ; nor
- (c) otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed, with the terms and conditions of his licence.

*Supply, procuring and advertising of drugs and preparations*

**8.—(1)** A person shall not supply or procure, or offer to supply or procure, to or for any person, including himself, whether in Great Britain or elsewhere, or advertise for sale, a drug or preparation, unless he is generally authorised, or, under this Regulation, licensed or authorised as a member of a group so to do, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) (a) A person shall not supply or procure, or offer to supply or procure, a drug or preparation to or for any person in Great Britain unless that person is generally authorised, or, under Regulation 9 of these Regulations, licensed or authorised as a member of a group to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority :

Provided that for the purposes of this sub-paragraph the administration of a drug or preparation—

- (i) by or under the direct personal supervision of, and in the presence of, a duly qualified medical practitioner,
- (ii) by or under the direct personal supervision of, and in the presence of, a registered dental practitioner in the course of dental treatment,
- (iii) by a sister or acting sister for the time being in charge of a ward, theatre or other department in a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions acting on the instructions of a duly qualified medical practitioner to a patient of that ward, theatre or department,
- (iv) by a certified midwife under and in accordance with Regulation 13(4) of these Regulations, or
- (v) by a person authorised as a member of a group to supply that drug or preparation acting under or in accordance with the terms and conditions of his group authority,

shall be deemed not to be the supplying of the drug or preparation.

(b) A person shall not in Great Britain supply or procure, or offer to supply or procure, a drug or preparation to or for any person in Northern Ireland or the Isle of Man unless that person is entitled to be in possession of the drug or preparation and the drug or preparation is to be supplied or procured in accordance with the terms and conditions of that person's entitlement.

In this sub-paragraph "entitled" means entitled under any permission (by whatever name called) issued by, as the case may be, the Ministry of Home Affairs for Northern Ireland or the Lieutenant-Governor of the Isle of Man or entitled under any provision relating to the drug or preparation, and in force in, as the case may be, Northern Ireland or the Isle of Man, and "entitlement" shall be construed accordingly.

*Possession of drugs and preparations*

9.—(1) A person shall not be in possession of a drug or preparation unless he is generally so authorised, or, under this Regulation, so licensed or authorised as a member of a group, nor otherwise than in accordance with the provisions of these Regulations and, in the case of a person licensed or authorised as a member of a group, with the terms and conditions of his licence or group authority.

(2) For the purposes of these Regulations—

(a) a person to whom a drug or preparation is lawfully supplied by a duly qualified medical practitioner or registered veterinary surgeon or registered veterinary practitioner ;

(b) a person to whom a drug or preparation is lawfully supplied on a prescription given by a duly qualified medical practitioner, a registered dental practitioner, a registered veterinary surgeon or registered veterinary practitioner ;

(c) a person to whom a drug or preparation falling within Schedule 2 to these Regulations is lawfully supplied by an authorised seller of poisons,

shall be deemed to be a person generally authorised to be in possession of the drug or preparation so supplied :

Provided that a person supplied with a drug or preparation by, or upon a prescription given by, a medical practitioner shall be deemed not to be a person generally authorised to be in possession of the drug or preparation if—

(i) he was then being supplied with a drug or preparation by, or on a prescription given by, another medical practitioner in the course of treatment, and did not disclose the fact to the first-mentioned medical practitioner before the supply by him or on his prescription, or

(ii) he or any other person on his behalf made a declaration or statement for the purpose of obtaining the supply or prescription, and the declaration or statement was false in any particular.

*General authority for certain classes of persons to possess and supply drugs and preparations*

10.—(1) Subject to the provisions of these Regulations, a person who is a member of any of the following classes, that is to say :—

(a) duly qualified medical practitioners ;

(b) registered dental practitioners ;

(c) registered veterinary surgeons and registered veterinary practitioners ;

(d) registered pharmaceutical chemists who are employed or engaged at a hospital, infirmary, health centre or dispensary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions and whose duties in that employment or engagement include the dispensing or supply of medicines for that or any other such institution ;

- (e) sisters or acting sisters for the time being in charge of a ward, theatre or other department in such a hospital or infirmary as aforesaid ;
- (f) persons who are in charge of a laboratory used for the purposes of research or instruction and attached to—
- (i) a university, university college or such a hospital or infirmary as aforesaid,
  - (ii) any other institution approved for the purposes of this Regulation by the Secretary of State ;
- (g) public analysts under and within the meaning of the Food and Drugs Act 1955 or, in Scotland, the Food and Drugs (Scotland) Act 1956 ;
- (h) persons acting as sampling officers under and within the meaning of the said Acts ;
- (i) persons duly appointed by the Pharmaceutical Society of Great Britain as inspectors under section 25 of the Pharmacy and Poisons Act 1933 ;
- (j) persons who are employed or engaged in connection with a scheme for testing the quality and amount of the drugs, preparations and appliances supplied under the National Health Service Act 1946(a) or the National Health Service (Scotland) Act 1947(b) and the Regulations made thereunder,

shall be authorised, so far as may be necessary for the practice or exercise of his said profession, function or employment, and in his capacity as a member of his said class, to be in possession of, and to supply, drugs and preparations :

Provided that nothing in this paragraph shall—

- (i) authorise a dental practitioner to supply drugs or preparations unless the drugs or preparations are administered by him, or under his direct supervision and in his presence, to persons receiving treatment by him, or
  - (ii) authorise a sister or acting sister in charge of a ward, theatre or other department in a hospital or infirmary to procure a drug or preparation except from a person employed or engaged in dispensing medicines at the hospital or infirmary and except upon a written order therefor signed by her, or to supply a drug or preparation except in accordance with the directions of a duly qualified medical practitioner in charge of any patients in the ward, theatre or other department, as the case may be.
- (2) A person who is not a registered pharmaceutical chemist but who—
- (a) not being the matron or acting matron thereof, was, on 31st December 1948, employed in a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions as sole or head dispenser of medicines ;
  - (b) was in the course of his said employment on the said date lawfully entitled to be in possession of, and to supply, drugs and preparations ;

(c) had on the said date had not less than three years' experience in such said employment during which he was lawfully entitled as aforesaid ; and

(d) is employed as sole or head dispenser of medicines in the same hospital or infirmary in which he was employed on the said date or in another such hospital or infirmary as aforesaid, in which, if he had been so employed therein on the said date, he would have been lawfully entitled to be in possession of, and to supply, drugs and preparations,

shall be authorised, so far as may be necessary for the practice or exercise of his said employment as sole or head dispenser, and in his capacity as such, to be in possession of, and to supply, drugs and preparations.

(3) The matron or acting matron of a hospital or infirmary wholly or mainly maintained by a public authority out of public funds or by a charity or by voluntary subscriptions in which no registered pharmaceutical chemist and no person authorised by virtue of paragraph (2) of this Regulation to be in possession of, and to supply, drugs and preparations, is employed or engaged in dispensing medicines, is hereby authorised, so far as may be necessary for the purposes of the hospital or infirmary, and in her capacity as matron or acting matron thereof, to be in possession of, and to supply, drugs and preparations :

Provided that nothing in this paragraph shall authorise a matron or acting matron of a hospital or infirmary to procure a drug or preparation except on an order signed by a duly qualified medical practitioner employed or engaged in the hospital or infirmary.

(4) Every drug or preparation, other than a preparation for the time being falling within Part II of Schedule 1 to the Dangerous Drugs Act 1964, in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof, shall, except when the necessities of the practice of the profession, function or employment by virtue of which that person is authorised as aforesaid otherwise require, be kept in a locked receptacle which can be opened only by him or by some other person authorised by virtue of this Regulation to be in possession of the drug or preparation.

(5) A written order signed by a sister or acting sister in a hospital or infirmary in accordance with the requirements of proviso (ii) to paragraph (1) of this Regulation upon which she procures a drug or preparation shall be marked, in such manner as to show that it has been complied with, by the person employed or engaged in dispensing medicines who complies with the order, and shall be kept in the dispensary, and a copy or note thereof shall be kept by the sister or acting sister for the time being in charge of the ward, theatre or other department of the hospital or infirmary for use in which the drug or preparation was procured.

#### *Prohibition on prescribing*

11. Where a person whose general authority is withdrawn under Regulation 22(1) of these Regulations is a duly qualified medical practitioner, a registered dental practitioner or a registered veterinary surgeon or a registered veterinary practitioner, the Secretary of State may, by notice given in the London Gazette and in the Edinburgh Gazette direct that it shall not be lawful for that person to give prescriptions prescribing a drug or preparation.



*General authority for authorised sellers of poisons to manufacture preparations and retail drugs and preparations*

**12.—(1) An authorised seller of poisons shall be authorised—**

- (a) in the ordinary course of his retail business to manufacture at any premises registered by him under section 12 of the Pharmacy and Poisons Act 1933—
  - (i) any extract or tincture of cannabis, and
  - (ii) any preparation ;
- (b) subject to the provisions of these Regulations, to carry on at any such premises the business of retailing, dispensing and compounding drugs and preparations ; and
- (c) to supply drugs and preparations otherwise than by way of wholesale dealing :

Provided that nothing in this Regulation shall be construed as authorising any such person to be in possession of any drug or preparation except on premises registered under the said section 12.

(2) Every drug or preparation, other than a preparation for the time being falling within Part II of Schedule 1 to the Dangerous Drugs Act 1964, in the actual custody of a person authorised by virtue of this Regulation to be in possession thereof shall be kept in a locked receptacle which can be opened only by him or by some assistant of his who is a registered pharmaceutical chemist and is not a person whose authority has been withdrawn under Regulation 22(1) of these Regulations.

*Special provisions in respect of owners and masters of ships, farmers and stockowners, and certified midwives*

**13.—(1) (a) The owner of a ship, and the master of a ship which does not carry on board as part of her complement a duly qualified medical practitioner, are hereby authorised—**

- (i) so far as necessary for the purpose of compliance with the Merchant Shipping Acts, to be in possession of drugs and preparations, and
- (ii) subject to and in accordance with any conditions imposed by the Secretary of State and any instructions issued by the Minister of Transport, to supply those drugs and preparations to members of the crew.

(b) Where a drug or preparation is supplied to a member of the crew of a ship, an entry in the official log book, or, in the case of a ship which is not required under the Merchant Shipping Acts to carry an official log book, a report signed by the master of the ship, shall notwithstanding anything in these Regulations be a sufficient record of the supply, if the entry or report specifies the drug or preparation supplied and, in the case of such a report as aforesaid, it is delivered as soon as may be to the superintendent of a mercantile marine office.

(c) Every drug or preparation in the possession of the master of a ship by virtue of this paragraph shall, except where the necessity of supplying it to a member of the crew otherwise requires, be kept in a locked receptacle, which can be opened only by the master.

(d) In this paragraph the expression—

“master” has the same meaning as in the Merchant Shipping Act 1894(a) ;

“mercantile marine office” means a mercantile marine office established and maintained under the Merchant Shipping Acts;

“the Merchant Shipping Acts” means the Merchant Shipping Acts 1894 to 1964; and

“official log book” means the official log book required to be kept under the Merchant Shipping Acts.

(2) (a) The master of a foreign ship which is in a port in Great Britain shall be authorised to procure such quantity of drugs and preparations as may be certified by the medical officer of health of the port health authority within whose jurisdiction the ship is or, in his absence, by the assistant medical officer of health, to be necessary for the equipment of the ship until it reaches its home port.

(b) A person who supplies a drug or preparation in accordance with a certificate given under this paragraph shall retain the certificate and mark it with the date on which the drug or preparation was supplied and keep it on his premises so as to be at all times available for inspection.

(3) A farmer or stockowner who has obtained for the purpose from the chief officer of police for the area in which he carries on business a certificate, which shall be valid only for the person and in respect of the premises named therein, in the form set out in Schedule 3 to these Regulations shall be authorised to be in possession of not more than thirty-two ounces at one time of tincture of opium, subject to the following conditions and requirements, that is to say:—

- (a) the tincture may only be purchased from the person specified on the back of the said certificate;
- (b) the said certificate must be produced to the person supplying the tincture on the occasion of each purchase;
- (c) there must be entered on the back of the said certificate at the time of each purchase by the person supplying the tincture the date of the purchase and the quantity purchased, and the said person supplying the tincture must append his signature to the entry;
- (d) the tincture shall be kept by the farmer or stockowner or his responsible manager under lock and key and may only be issued to responsible persons in his employment for the purpose of administration to animals;
- (e) each bottle or vessel containing the tincture shall be labelled with the words “For administration to animals only”;
- (f) the tincture shall not be used for any purpose whatsoever except the treatment of animals;
- (g) the said certificate must be produced for inspection when required by any constable or by any person empowered for the purpose by the Secretary of State, and such particulars of the purchases of the tincture as may be required must be furnished to the Secretary of State;
- (h) if the farmer or stockowner ceases to carry on business at the address named in the said certificate, the certificate must be returned immediately to the chief officer of police for the area aforesaid; and
- (i) the said certificate may be revoked at any time by the chief officer of police by whom it was issued, or by the Secretary of State, and on revocation shall be surrendered to the said chief officer of police.

(4) (a) A certified midwife, who has in accordance with the provisions of the Midwives Act 1951(a), or the Midwives (Scotland) Act 1951(b), notified to the local supervising authority within the meaning of those Acts her intention to practise, is hereby authorised, so far as necessary for the practice of her profession or employment as a midwife, to be in possession of medicinal opium, tincture of opium and pethidine which she has procured upon furnishing to the supplier thereof a midwife's supply order bearing the signature of the appropriate medical officer of health, and to administer those drugs or preparations so far as is necessary as aforesaid, subject to the following conditions, that is to say :—

- (i) she shall not procure from a person supplying it an amount of a drug or preparation greater than that specified in the midwife's supply order which she furnishes to him ;
- (ii) she shall on each occasion on which a supply of the drug or preparation is procured enter in the drugs book (being a book kept by her and used solely for the purposes of this paragraph) the name of the drug or preparation obtained, the date, the name and address of the person supplying it, the amount supplied and the form in which it was obtained ;
- (iii) she shall, on administering a drug or preparation to any woman, as soon as practicable enter in the drugs book the name of the drug or preparation administered, the name and address of the woman to whom it was administered, the amount administered and the form in which it was administered, and the entry so made shall, notwithstanding any other requirement of these Regulations, be a sufficient record of the administration ;
- (iv) she shall, except when the necessities of the practice of her profession or employment as a midwife otherwise require, keep every drug or preparation in her possession in a locked receptacle which can be opened only by her.

(b) A midwife in possession of a drug or preparation by virtue of this paragraph is hereby authorised to supply that drug or preparation to the appropriate medical officer of health by surrendering to him stocks thereof in her possession which are no longer required by her.

(c) In this paragraph, the expression—

“ appropriate medical officer of health ” means the medical officer of health of the local supervising authority within the meaning of the Midwives Act 1951 or, as the case may be, of the Midwives (Scotland) Act 1951, for the district in which the supply of the drug or preparation is to be obtained or, for the purposes of sub-paragraph (b) of this paragraph, was obtained, or a person authorised in writing in that behalf by the said medical officer, being a person who is in the employment of the said authority and is—

- (i) for the purposes of sub-paragraph (a) of this paragraph, either a duly qualified medical practitioner or a person appointed or deemed to have been appointed under section 17 of the Midwives Act 1951 by the said authority to exercise supervision over certified midwives within their area, or, as the case may be, appointed or deemed to have been appointed in accordance with section 18 of the Midwives (Scotland) Act 1951 to exercise supervision over certified midwives practising within their area ;

(ii) for the purposes of the said sub-paragraph (b), a duly qualified medical practitioner ;

“midwife’s supply order” means an order in writing specifying the name of the midwife obtaining a supply of the drug or preparation, stating the fact that she is a midwife and giving the following particulars in regard to the drug or preparation to be procured, that is to say, its name, the purpose for which it is required and the total quantity to be procured or, when the drug or preparation is packed in ampoules, either the said total quantity or the total quantity intended to be administered or injected.

#### *Form of prescription*

14.—(1) A person by whom a prescription prescribing a drug or preparation is given shall comply with the following requirements, that is to say, the prescription shall—

- (a) be in writing and signed by the person giving it with his usual signature, and be dated by him ;
- (b) be in ink or otherwise so as to be indelible ;
- (c) except in the case of a health prescription, specify the address of the person giving it ;
- (d) specify the name and address of the person for whose treatment it is given or, if it is given by a registered veterinary surgeon or a registered veterinary practitioner, of the person to whom the article prescribed is to be delivered ;
- (e) have written thereon, if given by a registered dental practitioner, the words “For local dental treatment only” and, if given by a registered veterinary surgeon or a registered veterinary practitioner, the words “For animal treatment only” ;
- (f) if the preparation prescribed is a recognised preparation, or if all the preparations contained therein are recognised preparations, specify the total amount of the preparation or, as the case may be, of each preparation or, when the preparation is packed in ampoules, either specify as aforesaid, or specify the total amount of the preparation or, as the case may be, of each preparation, intended to be administered or injected ;
- (g) if the preparation prescribed is not a recognised preparation, specify the total amount of the drug to be supplied, or, when the preparation is packed in ampoules, either the said total amount or the total amount intended to be administered or injected.

In this paragraph the expression “recognised preparation” means a preparation contained in the British Pharmacopoeia, the British Pharmaceutical Codex or any formulary issued by the Minister of Health for the purposes of the National Health Service Act 1946 or, as the case may be, by the Secretary of State for the purposes of the National Health Service (Scotland) Act 1947.

(2) In the case of a prescription given for the treatment of a patient in a hospital or infirmary paragraph (1)(d) of this Regulation shall be deemed to have been complied with if the prescription is written on the patient’s bed card or case sheet, and in such a case the initials of the person giving the prescription shall be deemed to be a sufficient signature for the purposes of paragraph (1)(a) of this Regulation.

*Provisions as to supply on prescription*

15.—(1) A person shall not supply a drug or preparation on a prescription—

- (a) unless the prescription complies with the provisions of these Regulations relating to prescriptions ;
- (b) unless he either is acquainted with the signature of the person by whom it purports to be given and has no reason to suppose that it is not genuine, or has taken reasonably sufficient steps to satisfy himself that it is genuine ;
- (c) before the date specified in the prescription.

(2) If a prescription prescribing a drug or preparation expressly states that it may, subject to the lapse of an interval or intervals specified in the prescription be dispensed a second or third time, the drug or preparation thereby prescribed may, as the case may be, be supplied a second or third time after the specified interval or intervals but no more, but, subject as aforesaid, a prescription shall not for the purposes of these Regulations be taken as enabling the drug or preparation prescribed to be supplied more than once.

(3) A person dispensing a prescription prescribing a drug or preparation shall, at the time of dispensing it, mark thereon the date on which it is dispensed, and, in the case of a prescription which may be dispensed a second or third time, the date of each occasion on which it is dispensed, and shall, unless it is a health prescription, retain and keep it on the premises where it is dispensed and so as to be at all times available for inspection.

*Marking of packages and bottles*

16.—(1) Subject to the provisions of this Regulation, no person shall—

- (a) supply a drug unless the package or bottle in which it is contained is plainly marked with the amount of the drug contained therein ; or
- (b) supply a preparation, unless the package or bottle in which it is contained is plainly marked—

(i) in the case of a powder, solution or ointment, with the total amount thereof in the package or bottle and the percentage of the drug contained in the powder, solution or ointment,

(ii) in the case of cachets, single dose injections, lozenges, suppositories, pills, tablets or other similar articles, with the amount of the drug in each article and the number of articles in the package or bottle.

(2) Nothing in this Regulation shall apply in a case where a preparation is lawfully supplied in accordance with this Part of these Regulations by, or on a prescription lawfully given by, a duly qualified medical practitioner or in relation to the supply of any drug or preparation falling within Schedule 2 to these Regulations.

*Keeping of register or other records*

17.—(1) Every person generally authorised, or licensed or authorised as a member of a group, to supply drugs or preparations other than a preparation for the time being falling within Part II of Schedule 1 to the Dangerous Drugs Act 1964, except a sister or acting sister who is so generally authorised by virtue of Regulation 10(1)(e) of these Regulations, shall comply with the following provisions, that is to say :—

- (a) he shall, in accordance with the provisions of this Regulation and of Regulation 25 of these Regulations, keep a register and enter therein in chronological sequence in the form specified in, as the case may be,

**Part I or Part II of Schedule 1 to these Regulations true particulars with respect to every quantity of any drug or preparation obtained by him and with respect to every quantity of any drug or preparation supplied by him, whether to persons within or to persons outside Great Britain ;**

(b) he shall use a separate register or separate part of the register for entries made with respect to each of the substances for the time being specified in paragraph 1 of Schedule 1 to the Dangerous Drugs Act 1964 or in paragraph 2, 4, 5, 6 or 7 thereof, and for this purpose each such substance shall be deemed to comprise its salts and any preparation, admixture, extract or other substance containing any proportion of it or its salts and any isomer of a substance the existence of which is possible within its specific chemical designation shall be deemed to be identical with that substance.

(2) (a) Nothing in paragraph (1) of this Regulation shall be construed as preventing the use of a separate section within a register or separate part of a register with respect to different drugs or preparations or strengths of preparations comprised within the class of drugs or preparations to which that register or separate part relates.

(b) So much of the said paragraph (1) as requires a person to enter in the register required to be kept under that paragraph particulars with respect to drugs or preparations supplied by him shall not apply to—

(i) a duly qualified medical practitioner if he enters in a day book true particulars of every drug or preparation supplied by him to any person, together with the name and address of that person and the date of the supply, and enters in a separate book kept for the purposes of this Regulation a proper reference to each entry in the day book which relates to the supply of any drug or preparation ; or

(ii) an authorised seller of poisons if he enters in a separate book kept for the purposes of this Regulation a proper reference to each entry in a Pharmacy Act book which relates to the supply of any drug or preparation,

and if, in either case, sub-paragraphs (c) and (d) of this paragraph are complied with.

(c) References in the said separate book must be made in chronological sequence and the book must be kept in separate parts relating respectively to the several classes of drugs and preparations specified in and under sub-paragraph (b) of the said paragraph (1) and shall not be used for any purpose other than the purposes of this paragraph.

(d) The entries in the said day book and in the said separate book shall be made on the day on which but for this paragraph an entry would under Regulation 25 of these Regulations have been required to be made in the said register, and sub-paragraph (c) of the said Regulation shall apply as respects any such entry as aforesaid as if it were an entry in the said register.

(e) In this paragraph the expression “ a proper reference ” means a reference which is entered in the said separate book under the same date as that on which the entry in the said day book or in the Pharmacy Act book was made and is otherwise such as to enable that entry to be easily identified.

(3) Where a duly qualified medical practitioner, registered dental practitioner, registered veterinary surgeon or registered veterinary practitioner obtains or supplies any drug or preparation packed in ampoules, he shall be deemed to have complied with the requirements—

(a) of paragraph (1) of this Regulation in regard to entry in the register required to be kept under the said paragraph of true particulars with

respect to every quantity of every drug or preparation obtained or supplied, or

- (b) in the case of a medical practitioner supplying drugs or preparations to any person, of paragraph (2) of this Regulation in regard to entry in the day book referred to in the said paragraph of particulars of any drug or preparation supplied by him,

if he enters as the amount which he has obtained, or, as the case may be, supplied, true particulars as to either the total quantity of the drug or preparation or the total quantity thereof intended to be administered or injected.

(4) Every separate book kept under paragraph (2) of this Regulation, every day book in which any entry is made under the said paragraph (2) and every Pharmacy Act book containing an entry which is referred to in such a separate book as aforesaid shall be kept on the premises to which the register or book relates, or, in the case of a book referring to a prescription, where the prescription was dispensed, and so as to be at all times available for inspection.

(5) For the purposes of the preceding paragraphs of this Regulation a drug or preparation administered by, or under the direct supervision and in the presence of, a duly qualified medical practitioner or registered dental practitioner shall be deemed not to have been supplied by him.

(6) (a) A manufacturer of any preparation for the time being falling within Part II of Schedule 1 to the Dangerous Drugs Act 1964 and a wholesale dealer in any such preparation shall keep every invoice or other like record issued in respect of each quantity of any such preparation obtained by him and in respect of each quantity of any such preparation supplied by him.

(b) A retail dealer in any such preparation as aforesaid shall keep every invoice or other like record issued in respect of each quantity of any such preparation obtained by him.

#### *Exemption of certain prescriptions*

18. Nothing in this Part of these Regulations shall apply to any prescription issued for the purposes of a scheme for testing the quality and amount of the drugs, preparations and appliances supplied under the National Health Service Act 1946 or the National Health Service (Scotland) Act 1947 and the Regulations made thereunder or to any prescription issued for the purposes of the Food and Drugs Act 1955 or, in Scotland, the Food and Drugs (Scotland) Act 1956 to a sampling officer under and within the meaning of those Acts.

### PART III

#### GENERAL

#### *Definition of "drug"*

19. In this Part of these Regulations the expression "drug" means a drug to which Part I of these Regulations or a substance to which Part II of these Regulations applies.

#### *Definition of "possession"*

20. For the purposes of these Regulations a person shall be deemed to be in possession of a drug if it is in his actual custody or is held by some other person subject to his control or for him and on his behalf.

*Supply otherwise than on prescription*

21.—(1) Where a drug, other than a substance falling within Schedule 2 to these Regulations, is to be lawfully supplied to any person (hereafter in this Regulation referred to as “the recipient”) otherwise than by, or on a prescription given by, a duly qualified medical practitioner, the person supplying the drug (hereafter in this Regulation referred to as “the supplier”) shall not deliver it to a person who purports to be sent by or on behalf of the recipient unless that person either—

- (a) is generally authorised, or licensed or authorised as a member of a group, to be in possession of that drug; or
- (b) produces to the supplier a statement in writing signed by the recipient to the effect that he is empowered by the recipient to receive the drug in question on behalf of the recipient, and the supplier is reasonably satisfied that the document is a genuine document.

(2) A person to whom a drug is lawfully delivered in the circumstances mentioned in paragraph (1) of this Regulation shall be deemed to be a person authorised to be in possession thereof, but for such period only as in the circumstances of the case is reasonably sufficient to enable delivery to the recipient to be effected.

*Withdrawal of authority*

22.—(1) If any person generally authorised has been convicted of an offence against the Dangerous Drugs Act 1951(a) or of an offence against section 45, 56 or 304 of the Customs and Excise Act 1952(b) in respect of goods being a drug, or of attempting to commit any such offence or of soliciting, inciting, aiding or abetting any other person to commit any such offence, or, except in the case of an authorised seller of poisons, is a person detained in hospital under any provision of the Mental Health Act 1959(c) or the Mental Health (Scotland) Act 1960(d) the Secretary of State may, if he is of opinion that that person cannot properly be allowed to remain an authorised person, by notice in the London Gazette and the Edinburgh Gazette, withdraw the authority of that person:

Provided that in the case of an authorised seller of poisons the Secretary of State shall, before withdrawing his authority, consult the Council of the Pharmaceutical Society of Great Britain.

(2) Where the general authority of any person has been withdrawn under these Regulations the Secretary of State may at any time restore it, or may suspend the withdrawal, and, while the withdrawal is so suspended, that person shall be an authorised person in the same manner as if the authority had never been withdrawn so, however, that the Secretary of State may at any time cancel the suspension.

*Withdrawal of authority in Northern Ireland*

23. Where any person, being a member of any class of person specified in Regulation 4 or Regulation 10 of these Regulations, or being a person of a description so specified, and having been entitled to be lawfully in possession of, or to supply, a drug in Northern Ireland by virtue of any provision having effect in Northern Ireland and corresponding to any provision in the said Regulation 4 or the said Regulation 10, and having had his said entitlement withdrawn, is no longer a person lawfully entitled as aforesaid in Northern Ireland, then that person shall not, notwithstanding anything in the said Regulation 4 or the said Regulation 10, be authorised to be in possession of or to supply a drug.

(a) 14 & 15 Geo. 6. c. 48.  
(c) 7 & 8 Eliz. 2. c. 72.

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.  
(d) 8 & 9 Eliz. 2. c. 61.



*Consignment between places outside Great Britain*

24.—(1) If any drugs permitted under the law of any country outside Great Britain to be exported therefrom to any destination outside Great Britain are brought into Great Britain, no person shall, unless he is licensed under this Regulation nor otherwise than in accordance with the terms and conditions of his licence cause or procure those drugs to be diverted to any other destination.

(2) For the purposes of this Regulation the destination to which any drugs are permitted to be exported shall be taken to be the destination stated in the permission for the export thereof from the country of export.

*Requirements as to registers*

25. The following requirements shall be complied with by any person required to keep a register under, as the case may be, Regulation 5 or 17 of these Regulations, that is to say :—

- (a) the class of drugs to which the entries on any page of any such register as aforesaid relate shall be specified at the head of that page ;
- (b) every entry required to be made under the said Regulations in such register shall be made on the day on which the drug is received or, as the case may be, on which the transaction with respect to the supply of the drug by the person required to make the entry takes place, or if that is not reasonably practicable, on the day next following the said day ;
- (c) no cancellation, obliteration or alteration of any such entry shall be made, and every correction of such an entry shall be made only by way of a marginal note or footnote which shall specify the date on which the correction is made ;
- (d) every entry required to be made as aforesaid in every such register and every correction of such an entry shall be made in ink or otherwise so as to be indelible ;
- (e) such a register shall not be used for any purpose other than the purposes of these Regulations ;
- (f) the person required as aforesaid to keep such a register shall on demand made by the Secretary of State or by any person empowered in writing by the Secretary of State in that behalf—
  - (i) furnish such particulars as may be required with respect to the obtaining or supplying by him of any drug, or with respect to any stock of drugs in his possession,
  - (ii) for the purpose of confirming any such particulars as aforesaid, produce any stock of drugs in his possession, and
  - (iii) produce the said register and such other books or documents in his possession relating to any dealings in drugs as may be required ;
- (g) a separate register shall be kept in respect of each set of premises at which the person required to keep the register carries on business, but save as aforesaid not more than one register shall be kept at one time in respect of each class of drug in respect of which he is required to keep a separate register or part of a register, so, however, that a separate register may, with the approval of the Secretary of State, be kept in respect of each department of the business carried on by him ;
- (h) every such register shall be kept at the premises to which it relates and so as to be at all times available for inspection.

### *Preservation of documents*

**26.**—(1) All registers, records, books, prescriptions (other than health prescriptions) and other documents which are kept, issued or made in pursuance of the requirements, or for the purposes, of these Regulations shall be preserved, in the case of a register, book or other like record, for a period of two years from the date on which the last entry therein is made, and in the case of any other document, for a period of two years from the date on which it is issued or made:

Provided that in the case of any document kept in pursuance of Regulation 17(6) of these Regulations the keeping of a copy thereof made at any time during the said period of two years shall be treated for the purposes of this paragraph as if it were the keeping of the original document.

(2) Every signed order given for the purposes of Rule 8(3) of the Poisons Rules 1964(a) for a drug shall be preserved for a period of two years from the date on which the last delivery under the order was made.

### *Exemption of constables and carriers*

**27.** Nothing in these Regulations as respects the possession of a drug shall apply to—

- (a) a constable acting in the course of his duty as such ; or
- (b) a person carrying on the business of a carrier, or to any servant of such a person, acting in the course of that business.

### *Agents acting in the transfer of business and stock-in-trade*

**28.** For the purposes of these Regulations a person shall not be treated as procuring or offering to procure a drug for any person by reason only that he, in the course of his business, as agent for another, offers for transfer, or acts in the transfer of, a business and stock-in-trade therewith which comprises a drug.

### *Construction of licence or authority*

**29.** For the purposes of these Regulations, but subject in each case to the express terms of the Regulation by which he is generally authorised, or, as the case may be, to any limitation attached to his licence or group authority—

- (a) a person generally authorised, or licensed, to manufacture a drug shall be deemed to be generally authorised or, as the case may be, licensed to supply that drug ;
- (b) a person generally authorised, or licensed or authorised as a member of a group, to supply a drug shall be deemed to be generally authorised, or, as the case may be, licensed or authorised as a member of a group to be in possession of, to procure, to offer to supply or procure, and to advertise for sale, that drug.

### *Revocation of licence or group authority*

**30.** Any licence or group authority given under these Regulations may be revoked by the Secretary of State at any time.

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(a) S.I. 1964/582 (1964 I, p. 1037).

*Metric system and imperial system*

31.—(1) For the purposes of these Regulations:—

(a) a drug shall not be regarded as supplied or procured otherwise than on a prescription or other order by reason only that the prescription or order specifies a quantity of the drug in terms of the imperial system and the quantity supplied or procured is the equivalent of that amount in the metric system or by reason only that the prescription or order specifies a quantity of the drug in terms of the metric system and the quantity supplied or procured is the equivalent of that amount in the imperial system ;

(b) where any person is authorised to procure or to be in possession of a quantity of a drug determined by or under these Regulations he shall be deemed not to procure or be in possession of a quantity of that drug in excess of the first-mentioned quantity by reason only that he procures or is in possession of a quantity of that drug which is the equivalent of the said first-mentioned quantity in, in the case of the imperial system, the metric system, or, in the case of the metric system, the imperial system.

(2) For the purposes of this Regulation the quantity of a drug in the imperial system which is the equivalent of a particular quantity in the metric system, and the quantity of a drug in the metric system which is the equivalent of a particular quantity in the imperial system shall be taken to be that set out as such in the table of equivalent quantities set out in the Schedule to the Weights and Measures (Equivalents for dealings with drugs) Regulations 1964(a).

*Interpretation*

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

“authorised as a member of a group” means authorised by virtue of being a member of a class as respects which the Secretary of State has granted an authority under and for the purposes of Regulation 2, 3, 8 or 9 of these Regulations which is in force, “group authority” means such an authority so granted, and “his group authority”, in relation to a person who is a member of such a class, means the authority so granted to that class ;

“authorised seller of poisons” means an authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933(b) ;

“chief officer of police” means in relation to—

(i) the City of London, the Commissioner of Police for the City of London,

(ii) the metropolitan police district, the Commissioner of Police of the Metropolis,

(iii) any other area for which a separate police force is maintained, the chief constable or other officer by whatever name called, having the chief command of that police force ;

“duly qualified medical practitioner” means a fully registered person within the meaning of the Medical Act 1956(c) ;

“generally authorised”, in relation to any person, means authorised by, as the case may be, Regulation 4, 10, 12 or 13 of these Regulations

(a) S.I. 1964/81 (1964 I, p. 150).

(b) 23 & 24 Geo. 5. c. 25.

(c) 4 & 5 Eliz. 2. c. 76.

by virtue of being a member of a class specified in that Regulation, or of being a person of a description so specified, and "general authority" means the authority possessed by a person as aforesaid ;

"health prescription" means a prescription given by a fully registered medical practitioner or registered dental practitioner under and in accordance with the National Health Service Act 1946(a), the National Health Service (Scotland) Act 1947(b), the Health Services Act (Northern Ireland) 1948(c) or the National Health Service (Isle of Man) Act 1948 (an Act of Tynwald) or given by a duly qualified medical practitioner or registered dental practitioner upon a form issued by a local authority for use in connection with the health service of that authority ;

"licensed" means duly licensed by a licence issued by the Secretary of State to the person named therein, or, as the case may be, in respect of premises named therein, under and for the purposes of Regulation 2, 3, 7, 8, 9 or 24 of these Regulations, and "licence" and "licensed premises" shall be construed accordingly ;

"Pharmacy Act book" means either of the books required to be kept by section 18(2) and section 19(3) of the Pharmacy and Poisons Act 1933 ;

"prescription" means a prescription for a single individual given by a duly qualified medical practitioner for the purposes of medical treatment, by a registered dental practitioner for the purposes of dental treatment or by a registered veterinary surgeon or a registered veterinary practitioner for the purposes of animal treatment ;

"register" means a bound book and does not include any form of loose leaf register or card index ;

"registered dental practitioner" means a person registered in the dentists register under the Dentists Act 1957(d) ;

"registered pharmaceutical chemist" means a person registered in the register of pharmaceutical chemists established in pursuance of the Pharmacy Act 1852(e) and maintained in pursuance of section 2(1) of the Pharmacy Act 1954(f) ;

"registered premises" means premises duly registered under Part I of the Pharmacy and Poisons Act 1933 ;

"registered veterinary practitioner" means a person registered in the supplementary veterinary register in pursuance of the Veterinary Surgeons Act 1948(g) ;

"registered veterinary surgeon" means a person registered in the register of veterinary surgeons in pursuance of the Veterinary Surgeons Act 1881(h) ;

"retail business" means the business of retailing, dispensing or compounding drugs carried on at a shop ;

"retail dealer" means a person who carries on a retail business ;

"wholesale dealer" means a person who carries on the business of selling drugs to persons who buy to sell again, and "wholesale dealing" shall be construed accordingly.

(2) The Interpretation Act 1889(i) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(a) 9 & 10 Geo. 6. c. 81.

(b) 10 & 11 Geo. 6. c. 27.

(c) 1948 c. 3 (N.I.).

(d) 5 & 6 Eliz. 2. c. 28.

(e) 15 & 16 Vict. c. 56.

(f) 2 & 3 Eliz. 2. c. 61.

(g) 11 & 12 Geo. 6. c. 52.

(h) 44 & 45 Vict. c. 62.

(i) 52 & 53 Vict. c. 63.

and as if these Regulations and the Regulations revoked by these Regulations were Acts of Parliament.

*Revocation*

**33.**—(1) The Dangerous Drugs Regulations 1964(a) are hereby revoked.

(2) Nothing in paragraph (1) of this Regulation shall render invalid any licence, authority, certificate or order issued, granted or given, or other thing done, under the Dangerous Drugs Act 1951 or the Regulations revoked by these Regulations, and any such licence, authority, certificate, order or thing which could have been issued, granted, given or done under any provision in these Regulations and in force at the date when these Regulations come into operation shall be deemed to have been issued, granted, given or done under that provision.

(3) Any register, record, book, prescription or other document which is required to be kept under any Regulation revoked by these Regulations shall be kept in the same manner and for the same period, and every person shall be subject to the same requirements in regard thereto, as if these Regulations had not been made.

*Extent*

**34.** These Regulations shall not extend to Northern Ireland.

*Citation and commencement*

**35.** These Regulations may be cited as the Dangerous Drugs (No. 2) Regulations 1964 and shall come into operation on 1st December 1964.

*Frank Soskice,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

13th November 1964.

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(a) S.I. 1964/1043 (1964 II, p. 2290).

**SCHEDULE 1****Regulations 5 and 17(1).****FORM OF REGISTER****PART I***Entries to be made in case of obtaining*

Date on which supply received	Name	Address	Amount obtained	Form in which obtained
	of person or firm from whom obtained			

**PART II***Entries to be made in case of supply*

Date on which the transaction was effected	Name	Address	Particulars as to licence or authority of person or firm supplied to be in possession	Amount supplied	Form in which supplied
	of person or firm supplied				

**SCHEDULE 2****Regulations 9(2), 16(2) and 21(1).****DRUGS AND PREPARATIONS TO WHICH PART II OF THESE REGULATIONS APPLIES WITH CERTAIN MODIFICATIONS****1. The following drugs, namely:—**

Acetyldihydrocodeine  
 Codeine  
 Dextropropoxyphene  
 Dihydrocodeine  
 Ethylmorphine (3. ethylmorphine)  
 Norcodeine  
 Pholcodine.

**2. Any salt of a substance for the time being specified in paragraph 1 above.**

**3. Any preparation, admixture, extract or other substance containing any proportion of a substance for the time being specified in paragraph 1 or 2 above, being a preparation, admixture, extract or other substance whereof none of the other ingredients is a substance to which Part II of these Regulations for the time being applies.**

**4. Any other preparation or substance for the time being falling within Part II of Schedule 1 to the Dangerous Drugs Act 1964(a).**

Regulation 13(3)

SCHEDULE 3

FORM OF CERTIFICATE

DANGEROUS DRUGS ACTS 1951 AND 1964

*Certificate authorising a Farmer or Stockowner to purchase Tincture of Opium, B.P. commonly known as Laudanum for administration to Animals*

I hereby certify that\*.....  
of .....

.....  
is a person carrying on the business of a farmer or stockowner and is authorised in pursuance of Regulation 13(3) of the Dangerous Drugs (No. 2) Regulations 1964 to be in possession of not more than 32 ozs. at any one time of tincture of opium, B.P. commonly known as laudanum.

Signed on behalf of the chief officer of police.

.....  
..... Rank  
..... Police Force

Date .....

\* Insert full name and address.

NOTICE

- (a) The tincture of opium may only be purchased from the person named on the back hereof ;
- (b) this certificate must be produced to the person supplying the tincture on the occasion of each purchase ;
- (c) the person supplying the tincture must at the time of purchase enter on the back hereof the date of purchase and the quantity purchased and must append his signature thereto ;
- (d) the tincture must be kept by the farmer or stockowner or his responsible manager under lock and key and may only be issued to responsible persons in his employment and only for the purpose of administration to animals ;
- (e) each bottle or vessel containing the tincture must be labelled with the words " For administration to animals only " ;
- (f) the tincture must not be used for any purpose whatsoever except the treatment of animals ;
- (g) this certificate must be produced for inspection when required by any constable or by any person empowered for the purpose by the Secretary of State, and such particulars of the purchase of the tincture as may be required must be furnished to the Secretary of State ;
- (h) this certificate is only valid for the person and in respect of the address named herein. If that person ceases to carry on business at the address named herein he must return the certificate immediately to the chief officer of police, and if a certificate is desired in respect of another address he must apply for another certificate ;
- (i) this certificate continues in force until revoked by the chief officer of police or by the Secretary of State, and on revocation must be returned to the chief officer of police.

**BACK OF FORM***Name and address of person from whom the holder intends to purchase***TINCTURE OF OPIUM***(To be filled in by the holder)*

Name (in full) .....

Address .....

*(To be filled in by the supplier on the occasion of any purchase by the holder)*

Date of Purchase	Quantity Purchased	Signature of Supplier

**NOTICE**

- (a) When this certificate is filled up, the holder should return it to the chief officer of police and make application for a new one.
- (b) If the holder desires to change the chemist from whom he purchases, he must surrender this certificate to the chief officer of police so that a new one may be issued in its stead.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations replace the Dangerous Drugs Regulations 1964. The principal changes are consequential upon the appointing by the Dangerous Drugs Act 1964 (Appointed Day) Order 1964 (S.I. 1964/1573) of 1st December 1964 for various purposes of the Act. In particular, the substances hitherto exempted altogether from the operation of Part II of the Regulations (under which the great majority of dangerous drugs are controlled), and specified in Schedule 3 to the existing Regulations, are brought within the operation of Part II, and the substances hitherto within the operation of Part III of the existing Regulations (which imposes a less stringent control and now ceases to have effect) are also brought within the operation of Part II. There will be certain modifications, however, in the application of Part II to the substances specified in Schedule 2 to these Regulations. In particular those substances will be obtainable from an authorised seller of poisons without a prescription; and, as regards some of them, there will be less stringent requirements as to the keeping of records (Regulation 17) and the requirements as to storage in a locked receptacle (Regulations 10(4) and 12(2)) will not apply.



## 1964 No. 1813

## LONDON TRAFFIC

The London Traffic (Closing of Streets for Works) Order  
1964

Made - - - - 12th November 1964  
Coming into Operation 3rd December 1964

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of his powers under sections 137 and 286 of the Highways Act 1959(a) (hereinafter referred to as "the Act") and of all other powers him enabling in that behalf hereby makes the following Order:—

1.—(1) This Order may be cited as the London Traffic (Closing of Streets for Works) Order 1964 and shall come into operation on the 3rd December 1964.

(2) The London Traffic (Closing of Streets for Works) (No. 2) Order 1930(b), as having effect by virtue of section 312(1) of and paragraph 31 of Schedule 24 to the Act, is hereby revoked.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act this Order were an Act of Parliament and the Order revoked by paragraph (2) of this Article were an Act of Parliament thereby repealed.

2. The Minister hereby prescribes as the highways to which section 137 of the Act applies the highways and classes of highways specified in the Schedule to this Order.

3. The Minister hereby fixes the 1st February and the 1st August in each year as the half-yearly dates on or before which the statements required by section 137(1) of the Act are required to be submitted to the Minister, and fixes an interval from each of the said half-yearly dates such that the periods of six months to which such statements relate commence respectively on the 1st April and the 1st October in each year.

Given under the Official Seal of the Minister of Transport the 12th November 1964.

(L.S.)

*J. N. Wood,*  
An Under Secretary of  
the Ministry of Transport.

## SCHEDULE

## PART I

All trunk roads and all Class I classified roads within Greater London

## PART II

*Borough of Acton*

Acton Lane. (Park Royal Road to Wesley Avenue.)  
 Acton Lane-South Acton. (Winchester Street to Beaconsfield Road.)  
 Beaconsfield Road.  
 East Acton Lane.  
 Friary Road.  
 Larden Road.  
 Market Place.  
 Old Oak Common Lane. (Du Cane Road to East Acton Lane.)  
 Old Oak Road.  
 Park Royal Road.  
 Southfield Road. (Acton Lane to The Avenue.)  
 South Parade.  
 Steyne Road.  
 The Avenue.  
 Wales Farm Road.  
 Winchester Street.

*Borough of Barking*

Broadway.  
 Church Road. (Queens Road to Tanner Street.)  
 East Street.  
 Gascoigne Road.  
 Lodge Avenue.  
 Movers Lane.  
 North Street. (Broadway to Queens Road.)  
 Porters Avenue.  
 Queens Road.  
 Tanner Street. (Church Road to Ilford Lane.)  
 Upney Lane.

*Borough of Barnes*

Lonsdale Road.  
 Lower Richmond Road.  
 Mill Hill Road.  
 Priest's Bridge.  
 Queen's Ride.  
 Sheen Lane. (Upper Richmond Road West to Mortlake High Street.)  
 Station Road.  
 White Hart Lane.

*Metropolitan Borough of Battersea*

Albert Bridge.  
 Albert Bridge Road. (Albert Bridge to Cambridge Road.)  
 Belle Vue Road.  
 Bolingbroke Grove.  
 Broomwood Road. (Bolingbroke Grove to Northcote Road.)  
 Cambridge Road.  
 Clapham Common. (West side) (Battersea Rise to The Avenue.)  
 Lombard Road.  
 Nightingale Lane.  
 Northcote Road.  
 Parkgate Road.

SCHEDULE (*continued*)PART II (*continued*)*Metropolitan Borough of Battersea (continued)*

Plough Road.  
 Prince of Wales Drive.  
 St. James' Drive.  
 Silverthorne Road.  
 Spencer Park.  
 Strath Terrace.  
 Vicarage Crescent. (Lombard Road to Battersea Church Road.)  
 Westbridge Road.

*Borough of Beckenham*

Addington Road. (Croydon Road to borough boundary.)  
 Croydon Road. (Addington Road to Glebe Way.)

*Borough of Beddington and Wallington*

Beddington Lane.  
 Hilliers Lane.  
 Stafford Road.

*Metropolitan Borough of Bermondsey*

Abbey Street. (Bermondsey Street to Jamaica Road.)  
 Bush Road.  
 Catlin Street.  
 Crucifix Lane.  
 Culling Road.  
 Dunton Road.  
 Earl Road.  
 Galleywall Road.  
 Hawkstone Road.  
 Humphrey Street.  
 Ilderton Road.  
 Joiner Street.  
 Long Lane.  
 Lynton Road.  
 Pages Walk.  
 Rolls Road.  
 Rotherhithe Old Road.  
 Rowcross Street. (Earl Road to Rolls Road.)  
 St. James's Road.  
 St. Thomas Street.  
 Willow Walk.

*Metropolitan Borough of Bethnal Green*

Bishop's Way.  
 Bonner Road.  
 Globe Road.  
 Old Ford Road.  
 Roman Road.  
 Sewardstone Road. (Old Ford Road to Bishop's Way.)  
 Squirries Street.  
 Vallance Road.  
 Warner Place.

*Borough of Brentford and Chiswick*

Bath Road.  
 Stamford Brook Road.  
 Turnham Green Terrace.  
 Windmill Road.

## SCHEDULE (continued)

## PART II (continued)

*Borough of Bromley*

Tweedy Road.

*Metropolitan Borough of Camberwell*

Albany Road.

Barry Road.

Camberwell Green. (North and East sides.)

College Road.

Commercial Way.

Croxted Road.

Daneville Road.

Dulwich Village.

Dulwich Wood Park.

Forest Hill Road. (Colyton Road to Honor Oak Park.)

Gallery Road.

Grove Lane. (Camberwell Church Street to Champion Park.)

Havil Street.

Melbourne Grove. (Grove Vale to East Dulwich Grove.)

Peckham Hill Street.

Peckham Park Road.

Peckham Rye East.

Peckham Rye West.

Red Post Hill. (Herne Hill to Half Moon Lane.)

Rolls Road.

Southampton Way. (Wells Way to Peckham Road.)

South Croxted Road.

Trafalgar Avenue.

Wells Way.

Willowbrook Road.

Wood Vale.

Wyndham Road.

*Urban District of Carshalton*

Green Lane.

West Street.

Wrythe Lane.

*Metropolitan Borough of Chelsea*

Albert Bridge.

Anderson Street.

Beaufort Street. (King's Road to Fulham Road.)

Draycott Place.

Edith Grove.

Holbein Place.

Oakley Street.

Pont Street.

Royal Hospital Road.

Sloane Avenue.

Sydney Street.

Symons Street.

*Borough of Chingford*

Friday Hill.

*Urban District of Chislehurst and Sidcup*

Grove Park Road.

Halfway Street, Sidcup.

High Street, Mottingham. (Court Road to Grove Park Road.)

SCHEDULE (*continued*)PART II (*continued*)*Urban District of Coulsdon and Purley*

Addington Road.  
 Coulsdon Road.  
 Farley Road.  
 Foxley Lane.  
 Limpsfield Road.  
 Mayfield Road.  
 Sanderstead Hill.  
 Sanderstead Road.  
 Stoats Nest Road.  
 Upper Selsdon Road.

*Urban District of Crayford*

Barnehurst Road.  
 Chapel Hill.  
 Church Hill.  
 Colyers Lane.  
 Crayford Way.  
 Manor Road.  
 May Place Road.  
 Northall Road.  
 Old Road.  
 Parkside Avenue.

*County Borough of Croydon*

Aberdeen Road.  
 Addington Village Road.  
 Barclay Road.  
 Bartlett Street.  
 Carlton Road.  
 Chepstow Road.  
 Church Street. (St. John's Road to Old Town).  
 Coombe Lane.  
 Coombe Road.  
 Croham Road.  
 Croham Valley Road. (Croham Road to Farley Road).  
 Fairfield Road.  
 Farley Road.  
 Gravel Hill.  
 Lower Coombe Street.  
 Old Town.  
 Park Lane.  
 St. Peter's Road.  
 Sanderstead Road.  
 Selsdon Park Road.  
 Selsdon Road.  
 Stafford Road.  
 Wellesley Road. (George Street to Station Road).  
 Westow Street.

*Borough of Dagenham*

Ballards Road.  
 Bennett's Castle Lane.  
 Chequers Lane.  
 Collier Row Road.  
 Crow Lane.  
 Dagenham Road.  
 Oxlow Lane. (Heathway to Rainham Road).

**SCHEDULE (continued)****PART II (continued)*****Borough of Dagenham (continued)***

Parsloes Avenue.  
Porters Avenue.  
Rainham Road North and South.  
Reede Road.  
Romford Road.  
Station Road.  
Valence Avenue.  
Wangey Road.  
Whalebone Lane North. (Marks Gate Road to Eastern Avenue).  
Marks Gate Road.

***Metropolitan Borough of Deptford***

Brockley Road.  
Clifton Rise.  
Ilderton Road.  
Kender Street.  
Trundleys Road.  
Woodpecker Road.

***Borough of Ealing***

Argyle Road.  
Broadway.  
Drayton Green Road.  
Ealing Road.  
Kensington Road.  
Lady Margaret Road.  
Little Ealing Lane.  
Northfield Avenue.  
Perivale Lane.  
Ruislip Road.  
Ruislip Road East.  
Windmill Road.

***Urban District of East Barnet***

East Barnet Road. (Brookhill Road to Cat Hill).  
Longmore Avenue.  
Lyonsdown Road.  
Osidge Lane.  
Russell Lane.

***County Borough of East Ham***

Central Park Road.  
Green Street.  
Katherine Road.  
Plashet Grove.

***Borough of Edmonton***

Church Street.  
Firs Lane.  
The Broadway.

***Borough of Enfield***

Chase Side.  
Carterhatch Lane.  
Lancaster Road.  
Nag's Head Road.

SCHEDULE (*continued*)PART II (*continued*)*Borough of Erith*

Abbey Road.  
 Battle Road.  
 Crayford Road.  
 Gilbert Road.  
 High Street.  
 Lower Road.  
 Picardy Street.  
 Pier Road.

*Urban District of Feltham*

Ashford Road.  
 Bedfont Lane.  
 Bedfont Road.  
 Faggs Road. (Hatton Road to The Causeway).  
 Feltham Hill Road.  
 Hanworth Road.  
 Stanwell Road.  
 Sunbury Road.

*Borough of Finchley*

Friern Barnet Lane.  
 Hampstead Lane.  
 Spaniards Road.

*Metropolitan Borough of Finsbury*

Amwell Street.  
 Baron Street. (Pentonville Road to White Lion Street).  
 Bath Street.  
 Beech Street.  
 Bunhill Row.  
 Central Street.  
 Charterhouse Square (South side).  
 Chiswell Street.  
 Claremont Square (West side).  
 Farringdon Road (Calthorpe Street to Rosebery Avenue).  
 Featherstone Street.  
 Finsbury Square (North, South and East sides).  
 Golden Lane.  
 King's Cross Road.  
 Lever Street.  
 Lloyd Baker Street.  
 Lloyd Square (South-east side).  
 Margery Street.  
 Moreland Street.  
 Myddelton Street.  
 Penton Rise.  
 Penton Street.  
 Percival Street.  
 Rosoman Street (Myddelton Street to Skinner Street).  
 St. John Street.  
 Skinner Street.  
 Spencer Street.  
 Sun Street.  
 Tabernacle Street.  
 Tysoe Street. (Rosoman Street to Rosebery Avenue).  
 Wakley Street.  
 White Lion Street (Baron Street to Islington High Street).  
 Worship Street.

**SCHEDULE (continued)****PART II (continued)*****Urban District of Friern Barnet***

Colney Hatch Lane.  
 Friern Barnet Lane.  
 Russell Lane.

***Metropolitan Borough of Fulham***

Harwood Road.  
 Margravine Gardens.  
 Munster Road.  
 North End Road.  
 Parsons Green Lane.  
 Parsons Green West.  
 St. Dunstan's Road.  
 Townmead Road.  
 Vanston Place.

***Metropolitan Borough of Greenwich***

Charlton Park Road.  
 Charlton Road.  
 Charlton Way.  
 Little Heath.  
 Maze Hill. (Trafalgar Road to Charlton Way).  
 Old Dover Road.  
 Prince Charles Road.  
 Prince of Wales Road.  
 Stratheden Road.  
 The Village.  
 Vanbrugh Fields.  
 Vanbrugh Hill.  
 Vanbrugh Park. (Charlton Way to Old Dover Road).  
 Westcombe Hill.

***Metropolitan Borough of Hackney***

Albion Drive. (Queensbridge Road to Shrubland Road).  
 Brookfield Road.  
 Chatsworth Road. (Lea Bridge Road to Millfields Road).  
 Church Crescent.  
 Darnley Road.  
 Elsdale Street.  
 Englefield Road.  
 Evering Road. (Stoke Newington High Street to Rectory Road).  
 Fremont Street.  
 Homerton High Street.  
 Homerton Road.  
 Kenninghall Road.  
 Kenworthy Road.  
 King Edward's Road. (Mare Street to Fremont Street).  
 Lansdowne Drive. (Richmond Road to Westgate Street).  
 Lauriston Road. (Well Street to Victoria Park Road).  
 Marsh Hill.  
 Maury Road.  
 Morning Lane.  
 Northwold Road.  
 Ponsford Street.  
 Powell Road.



## SCHEDULE (continued)

## PART II (continued)

*Metropolitan Borough of Hackney (continued)*

Powerscroft Road.  
 Queensbridge Road.  
 Rectory Road. (Evering Road to Northwold Road).  
 Richmond Road.  
 Riseholme Street.  
 Southgate Road.  
 Stamford Road.  
 Terrace Road.  
 Urswick Road.  
 Well Street. (Wick Road to Cassland Road).  
 Westgate Street.  
 Wick Road. (Morning Lane to Kenworthy Road).

*Metropolitan Borough of Hammersmith*

Addison Gardens.  
 Askew Road.  
 Bloemfontein Road.  
 Blythe Road. (Shepherds Bush Road to Addison Gardens).  
 Dalling Road. (Paddenswick Road to King Street).  
 Du Cane Road.  
 Emlyn Road.  
 Hammersmith Grove.  
 Larden Road.  
 North Pole Road.  
 Old Oak Road.  
 Paddenswick Road.  
 Stamford Brook Road.

*Metropolitan Borough of Hampstead*

Abbey Road.  
 Adelaide Road. (Avenue Road to Chalk Farm Road.)  
 Agincourt Road.  
 Avenue Road. (Adelaide Road to St. Edmund's Terrace.)  
 Belsize Road. (Kilburn High Road to Hilgrove Road.)  
 Bridge Approach.  
 College Crescent. (Eton Avenue to Fitzjohns Avenue.)  
 Constantine Road. (South End Green to Agincourt Road.)  
 East Heath Road.  
 England's Lane.  
 Eton Avenue.  
 Fitzjohns Avenue.  
 Fleet Road.  
 Fortune Green Road.  
 Heath Street. (Perrins Lane to Hampstead High Street.)  
 Hilgrove Road.  
 Kilburn Priory.  
 Mansfield Road.  
 Mill Lane.  
 Priory Road. (Kilburn Priory to Abbey Road.)  
 Quex Road.  
 South End Green.  
 South End Road.  
 Spaniards Road.  
 West End Lane. (Finchley Road to Abbey Road.)  
 West Heath Road.

SCHEDULE (*continued*)PART II (*continued*)*Borough of Harrow*

Boxtree Road.  
College Road.  
Cuckoo Hill.  
Elms Road.  
High Street.  
Honeypot Lane.  
Kenton Lane.  
Locket Road.  
Marsh Lane.  
Paines Lane.  
Wemborough Road. (Weston Drive to Marsh Lane.)  
Weston Drive.  
Whitchurch Lane.

*Urban District of Hayes and Harlington*

Dawley Road.  
Harlington Road.

*Borough of Hendon*

Edgwarebury Lane. (Edgware Way to Station Road.)  
Highwood Hill.  
Lawrence Street.  
Queen's Road.  
Vivian Avenue.  
West Heath Road. (Finchley Road to Platts Lane.)

*Borough of Heston and Isleworth*

Bell Road.  
Church Road, Heston.  
Hayes Road.  
Sutton Lane.  
Syon Lane.  
Syon Lane North.  
Wellington Road North.  
Wellington Road South.  
Western Road.  
Whitton Road.  
Windmill Lane.  
Upper Sutton Lane.

*Metropolitan Borough of Holborn*

Bayley Street.  
Bedford Place.  
Bedford Square.  
Bedford Way.  
Bernard Street.  
Bloomsbury Place.  
Bloomsbury Square (North).  
Bloomsbury Street.  
Bury Place.  
Chancery Lane.  
Charterhouse Street.  
Chenies Street.  
Coptic Street.  
Drury Lane.  
Endell Street.  
Gower Street.

## SCHEDULE (continued)

## PART II (continued)

*Metropolitan Borough of Holborn (continued)*

Great Queen Street.  
Great Russell Street.  
Guilford Street.  
Hatton Garden.  
John Street.  
Keppel Street.  
Lambs Conduit Street.  
Malet Street.  
Monmouth Street.  
Montague Place.  
Montague Street.  
Museum Street.  
New Oxford Street. (Museum Street to High Holborn.)  
Red Lion Street.  
Store Street.

*Borough of Hornsey*

Alexandra Park Road.  
Alroy Road.  
Castle Yard.  
Colney Hatch Lane.  
Endymion Road.  
Harpstead Lane.  
Highgate High Street.  
Hornsey Lane.  
Hornsey Park Road.  
Muswell Hill Road. (Archway Road to Fortis Green Road.)  
North Hill.  
North Road.  
Southwood Lane.  
Upper Tollington Park.  
Wightman Road.

*Borough of Ilford*

Albert Road.  
Barley Lane.  
Beehive Lane.  
Bennett's Castle Lane.  
Clayhall Avenue.  
Craven Gardens.  
Fairlop Road.  
Goodmayes Lane.  
Goodmayes Road.  
Hainault Street.  
Horns Road.  
Ley Street.  
Longwood Gardens.  
Looe Gardens.  
Sunnyside Road. (Green Lane to Albert Road.)  
Wangey Road.

*Metropolitan Borough of Islington*

Baring Street.  
Barnsbury Road.  
Benwell Road.  
Brecknock Road.

## SCHEDULE (continued)

## PART II (continued)

*Metropolitan Borough of Islington (continued)*

Brewery Road.  
 Camden Road. (Parkhurst Road to Holloway Road.)  
 Canonbury Lane.  
 Canonbury Park North.  
 Canonbury Place.  
 Canonbury Road.  
 Canonbury Square.  
 Colebrooke Row. (City Road to Gerrard Road.)  
 Danbury Street. (Noel Road to Rheidol Terrace).  
 Dartmouth Park Hill.  
 Drayton Park. (Holloway Road to Benwell Road.)  
 Duncan Street.  
 Duncombe Road.  
 Englefield Road.  
 Fonthill Road.  
 Grange Grove.  
 Hanley Road.  
 Hazellville Road. (Hornsey Rise to St. John's Way.)  
 Hertslet Road.  
 Highbury New Park.  
 Highgate Hill.  
 Hillmarton Road.  
 Isledon Road.  
 Islington Park Street.  
 Laycock Street.  
 Liverpool Road.  
 Mackenzie Road.  
 Market Road.  
 Marlborough Road.  
 Mildmay Park.  
 Newington Green.  
 Offord Road.  
 Palmer Place.  
 Pemberton Gardens.  
 Richmond Avenue.  
 St. John's Grove.  
 St. John's Way.  
 St. Paul's Road.  
 Southgate Road.  
 Tollington Park.  
 Tollington Road.  
 Tollington Way.  
 Tufnell Park Road.  
 Wells Terrace.  
 York Way.

*Royal Borough of Kensington*

Addison Crescent.  
 Addison Gardens. (Borough boundary to Holland Road.)  
 Addison Road. (Addison Crescent to Kensington High Street.)  
 Earl's Court Road.  
 Ladbroke Grove.  
 Pembroke Road. (Warwick Gardens to Earls Court Road.)  
 Redcliffe Gardens.  
 Warwick Gardens.  
 Westbourne Park Road.

SCHEDULE (*continued*)PART II (*continued*)*Royal Borough of Kingston-upon-Thames*

Birkenhead Avenue.  
 Brook Street.  
 Cambridge Road.  
 Cromwell Road.  
 Fairfield South.  
 Fairfield West.  
 Hawks Road.  
 Kings Road.  
 Lower Ham Road. (Wood Street to Kings Road.)  
 Market Place. (West side.)  
 Orchard Road.  
 Park Road. (Tudor Drive to London Road.)  
 Penrhyn Road.  
 Queen Elizabeth Road. (London Road to Cromwell Road.)  
 Queens Road.  
 St. James's Road.  
 Thames Street.  
 Tudor Drive.  
 Vicarage Road. (Thames Street to Wood Street.)  
 Villiers Road.  
 Wood Street.

*Metropolitan Borough of Lambeth*

Akerman Road.  
 Atlantic Road.  
 Bedford Road.  
 Baylis Road.  
 Belvedere Road.  
 Black Prince Road. (Vauxhall Walk to Albert Embankment.)  
 Brixton Water Lane. (Brixton Hill to Effra Road.)  
 Caldwell Street.  
 Croxted Road.  
 Dalberg Road. (Morval Road to Brixton Water Lane.)  
 Elder Road.  
 Elliott Road. (Treherne Road to Vassall Road.)  
 Farmers Road. (Hillingdon Street to Wyndham Road.)  
 Fentiman Road.  
 Foxley Road.  
 Gipsy Hill.  
 Gipsy Road. (Gipsy Hill to South Croxted Road.)  
 Gresham Road.  
 Herne Hill Road.  
 Hillingdon Street.  
 Hinton Road.  
 King's Avenue.  
 Knollys Road.  
 Lambeth High Street.  
 Landor Road.  
 Lancaster Avenue.  
 Lansdowne Way.  
 Larkhall Lane. (Lansdowne Way to Southville.)  
 Leigham Vale.  
 Loughborough Road. (Coldharbour Lane to Akerman Road.)  
 Miles Street.  
 Milkwood Road.  
 Morval Road.

## SCHEDULE (continued)

## PART II (continued)

*Metropolitan Borough of Lambeth (continued)*

Norwood High Street.  
Railton Road.  
Robsart Street.  
Sidney Road.  
Stockwell Green.  
The Cut.  
Vassall Road.  
Webber Street.  
York Hill. (Norwood Road to Knollys Road.)

*Metropolitan Borough of Lewisham*

Adelaide Avenue.  
Belmont Hill.  
Blackheath Village.  
Brockley Rise.  
Brockley Road.  
Chinbrook Road.  
Courthill Road. (Hither Green Lane to Lewisham High Street.)  
Downham Way.  
Grove Park Road.  
Hither Green Lane.  
Honor Oak Park.  
Honor Oak Road.  
Kirkdale.  
Ladywell Road. (High Street, Lewisham to Adelaide Avenue.)  
Lee Road.  
Lee Terrace.  
Montpelier Row.  
Montpelier Vale.  
Perry Rise.  
Perry Vale.  
Prince Charles Road.  
Prince of Wales Road.  
Royal Parade.  
Stondon Park.  
Sydenham Hill.  
Tranquil Vale. (Royal Parade to Montpelier Vale.)  
Verdant Lane.  
Waldram Park Road. (Perry Vale to Waldram Crescent.)  
Whitefoot Lane.

*Borough of Leyton*

Alexandra Road.  
Cannhall Road.  
Cathall Road.  
Church Lane.  
Crownfield Road.  
Francis Road. (Warren Road to Grove Green Road.)  
Grove Green Road. (Church Lane to High Road, Leytonstone.)  
Oliver Road.  
Warren Road.  
York Road. (Alexandra Road to Ruckhold Road.)

## SCHEDULE (continued)

## PART II (continued)

*City of London*

Barbican.  
Beech Street.  
Chancery Lane.  
Charterhouse Street.  
Friday Street.  
Golden Lane.  
London Wall.  
Lower Thames Street.  
New Change.  
Royal Mint Street.  
Upper Thames Street.

*Borough of Malden and Coombe*

Burlington Road.  
Central Road.  
Kingston Road.  
Malden Road. (Central Road to Kingston Road.)

*Urban District of Merton and Morden*

Aberconway Road.  
Burlington Road.  
Coombe Lane.  
Crown Lane.  
Crown Road.  
Green Lane.  
Martin Way.  
West Barnes Lane. (Coombe Lane to Burlington Road.)

*Borough of Mitcham*

Beddington Lane.  
Cedars Avenue.  
Church Road.  
Eastfields Road.  
Greyhound Terrace.  
Locks Lane.  
Lower Green West.  
Manor Road.  
Rowan Road.  
Streatham Vale.  
Tamworth Lane.  
Windmill Road.

*Metropolitan Borough of Paddington*

Canterbury Road. (Salisbury Road to Malvern Road.)  
Carlton Vale.  
Clifton Gardens.  
Clifton Road.  
Elgin Avenue.  
Formosa Street. (Shirland Road to Warwick Avenue.)  
Gloucester Terrace.  
Inverness Terrace. (Bayswater Road to Porchester Gardens.)  
Kilburn Lane.  
Malvern Road.  
Porchester Road. (Westbourne Park Road to Gloucester Terrace.)  
Queensway.  
Sale Place.

## SCHEDULE (continued)

## PART II (continued)

*Metropolitan Borough of Paddington (continued)*

Shirland Road. (Formosa Street to Walterton Road.)  
 Walterton Road.  
 Warwick Avenue. (Formosa Street to Clifton Gardens.)  
 Westbourne Park Road.  
 Westbourne Street.  
 Westbourne Terrace. (Bishop's Bridge Road to Sussex Gardens.)  
 Westbourne Terrace Bridge.

*Metropolitan Borough of Poplar*

Abbott Road.  
 Bromley High Street. (Bow Road to St. Leonard's Street.)  
 Cotton Street.  
 Fairfield Road.  
 Jodrell Road.  
 Manchester Road.  
 Old Ford Road. (Driffield Road to Wick Lane.)  
 Parnell Road.  
 Prestons Road.  
 Roman Road. (St. Stephens Road to Lyal Road.)  
 Tredegar Road. (Parnell Road to Old Ford Road.)  
 West Ferry Road. (Millwall Dock Bridge to East Ferry Road.)

*Borough of Richmond*

Church Road. (Sheen Road to Kew Road.)  
 Kew Gardens Road.  
 Manor Road.  
 Queen's Road.  
 Sandycombe Road.  
 Star and Garter Hill.

*Borough of Romford*

Collier Row Lane.  
 Collier Row Road.  
 Crow Lane.  
 Dagenham Road.  
 Havering Road. (Eastern Avenue to Collier Row Lane.)  
 Hog Hill Road.  
 Mawneys Road.  
 Oldchurch Road.  
 Waterloo Road.

*Urban District of Ruislip-Northwood*

Bury Street.  
 Cuckoo Hill.  
 Ducks Hill Road.  
 Eastcote High Road.  
 Eastcote Road.  
 Ickenham Road.  
 Ruislip High Street.  
 West End Road.

*Metropolitan Borough of St. Marylebone*

Abbey Road.  
 Avenue Road.  
 Charlotte Street.



## SCHEDULE (continued)

## PART II (continued)

*Metropolitan Borough of St. Marylebone* (continued)

Crawford Street. (Seymour Place to Baker Street.)  
 Devonshire Street.  
 Dorset Square. (East side.)  
 Duke Street. (Wigmore Street to Oxford Street.)  
 Gloucester Place.  
 Goodge Street.  
 Great Cumberland Place. (Upper Berkeley Street to Marble Arch.)  
 Great Portland Street.  
 Grove End Road. (Abbey Road to St. John's Wood Road.)  
 Henrietta Place. (Old Cavendish Street to Cavendish Square.)  
 Holles Street.  
 James Street.  
 Lisson Grove.  
 Manchester Square.  
 Mandeville Place.  
 Margaret Street. (Cavendish Square to Great Titchfield Street.)  
 Marylebone High Street.  
 Marylebone Lane. (Wigmore Street to Oxford Street.)  
 Mortimer Street.  
 Old Cavendish Street.  
 Paddington Street.  
 Rathbone Place.  
 Seymour Place. (Marylebone Road to Upper Berkeley Street.)  
 Thayer Street.  
 Upper Berkeley Street.

*Metropolitan Borough of St. Pancras*

Acton Street.  
 Agar Grove.  
 Argyle Street.  
 Bernard Street.  
 Bridge Approach.  
 Brunswick Square. (West side.)  
 Byng Place.  
 Calthorpe Street.  
 Camden Street.  
 Charlotte Street.  
 Cleveland Street.  
 Crowndale Road.  
 Delancey Street.  
 Drummond Street. (Melton Street to Hampstead Road.)  
 Ferdinand Street.  
 Fitzroy Square.  
 Gloucester Avenue. (Regent's Park Road to Parkway.)  
 Goodge Street.  
 Goods Way. (Pancras Road to York Way.)  
 Gordon House Road.  
 Gordon Square. (South side.)  
 Gower Street.  
 Grafton Way. (Gower Street to Tottenham Court Road.)  
 Grenville Street.  
 Guilford Street.  
 Hawley Road.  
 Hawley Street.  
 Highgate High Street.  
 Highgate Road.  
 Highgate West Hill.

SCHEDULE (*continued*)PART II (*continued*)*Metropolitan Borough of St. Pancras (continued)*

Howland Street.  
 Hunter Street.  
 Judd Street.  
 Kelly Street.  
 King's Cross Road.  
 Leighton Road.  
 Malden Crescent.  
 Malden Road.  
 Mansfield Road.  
 Midland Road.  
 Oakley Square. (East side.)  
 Percy Street.  
 Pratt Street. (Camden High Street to Bayham Street.)  
 Prince of Wales Road.  
 Regent's Park Road.  
 Regent Square. (South side.)  
 St. Pancras Way.  
 Sidmouth Street.  
 Southampton Road. (Mansfield Road to Malden Road.)  
 Swinton Street.  
 Tavistock Place.  
 Tavistock Square. (South side.)  
 Torrington Place.  
 University Street.  
 Warren Street.  
 Whitfield Street.  
 Windmill Street.  
 York Way.

*Metropolitan Borough of Shoreditch*

Appold Street.  
 Baring Street.  
 Cranwood Street.  
 Curtain Road.  
 Fanshaw Street.  
 Holywell Lane.  
 Hoxton Street.  
 Hyde Road.  
 New North Road. (East Road to Pitfield Street.)  
 Pitfield Street.  
 Provost Street.  
 Queensbridge Road.  
 Sun Street.  
 Tabernacle Street.  
 Vestry Street.  
 Vince Street.  
 Worship Street.

*Borough of Southgate*

Brownlow Road.  
 Chase Road.  
 Firs Lane.  
 Powys Lane.  
 Wilmer Way.

## SCHEDULE (continued)

## PART II (continued)

*Borough of Southall*

Beaconsfield Road. (South Road to Ranelagh Road.)  
Lady Margaret Road.  
Park Avenue.  
Tentelow Lane.  
Western Road.  
Windmill Lane.

*Metropolitan Borough of Southwark*

Bartholomew Street.  
Dunton Road.  
Garden Row.  
Hillingdon Street.  
Long Lane.  
St. Thomas Street.  
Tabard Street. (Long Lane to Nebraska Street.)  
The Cut.  
Union Street.  
Webber Street.

*Metropolitan Borough of Stepney*

Alie Street.  
Butcher Row.  
Cable Street.  
Cannon Street Road.  
Globe Road.  
New Road.  
Royal Mint Street.  
Vallance Road.

*Metropolitan Borough of Stoke Newington*

Albion Road.  
Brownswood Road.  
Lordship Park.  
Lordship Road.  
Manor Road.  
Newington Green.  
Stoke Newington Church Street.  
Woodberry Grove. (Seven Sisters Road to Lordship Road.)

*Borough of Surbiton*

King Charles's Road.  
Villiers Avenue.

*Borough of Sutton and Cheam*

The Broadway.  
Malden Road.  
Cheam Common Road.  
Central Road.

*Borough of Tottenham*

Philip Lane.  
St. Ann's Road.  
Westbury Avenue.

**SCHEDULE (continued)****PART II (continued)*****Borough of Twickenham***

Amyand Park Road. (London Road to Beaconsfield Road.)  
Beaconsfield Road.  
Church Grove.  
Hospital Bridge Road.  
Hounslow Road. (Kneller Road to borough boundary.)  
Kings Road.  
Kneller Road.  
Lower Sunbury Road.  
Nelson Road.  
Park Road—Teddington. (Queen's Road to Sandy Lane.)  
Park Road—Hampton Wick. (Sandy Lane to Church Grove.)  
Queen's Road.  
Sandy Lane.  
Sixth Cross Road.  
South Road.  
Stanley Road.  
Warren Road.  
Whitton Road.

***Borough of Uxbridge***

Cowley Mill Road. (St. John's Road to Cowley Road.)  
Falling Lane.  
Harefield Road.  
Harlington Road.  
High Road, Ickenham.  
Iver Lane.  
Long Lane.  
Park Road.  
Swakeleys Road.  
The Greenway.  
West Drayton Road.

***Borough of Walthamstow***

Billet Road.  
Blackhorse Lane.  
Eastern Road.  
Fulbourne Road.  
Higham Hill Road.  
Shernhall Street. (Forest Road to Eastern Road.)  
Wood Street.

***Metropolitan Borough of Wandsworth***

Bedford Hill.  
Bellevue Road.  
Burntwood Lane.  
Charlwood Road.  
Disraeli Road. (Putney High Street to Oxford Road.)  
Earlsfield Road.  
Fairfield Street. (York Road to East Hill.)  
Greyhound Lane.  
King's Avenue.  
Larkhall Lane.  
Larkhall Rise.  
Leigham Court Road.  
Lower Richmond Road.  
Nightingale Lane.

SCHEDULE (*continued*)PART II (*continued*)*Metropolitan Borough of Wandsworth* (continued)

Norroy Road.  
 Old Town.  
 Oxford Road.  
 Queen's Ride.  
 Rectory Grove.  
 Rookery Road.  
 Silverthorne Road.  
 Southcroft Road.  
 Spencer Park.  
 Sternhold Avenue. (Thornton Avenue to High Road.)  
 Streatham Vale.  
 The Pavement.  
 Thornton Avenue.  
 Thornton Road. (King's Avenue to Thornton Avenue.)  
 Windmill Road.

*Borough of Wanstead and Woodford*

Broomhill Road. (Snakes Lane to The Terrace.)  
 Eagle Lane.  
 Lake House Road.  
 Snakes Lane.

*Borough of Wembley*

Church Lane. (Tudor Gardens to Old Church Lane.)  
 Fryent Way.  
 Honeypot Lane.  
 Old Church Lane. (Church Lane to Blackbird Hill.)  
 Preston Hill.  
 Preston Road.  
 Salmon Street. (Tudor Gardens to Fryent Way.)  
 The Mall.  
 Tudor Gardens.  
 Wembley Hill Road.

*County Borough of West Ham*

Abbey Lane.  
 Abbey Road.  
 Carpenters Road. (Lett Road to High Street, Stratford.)  
 Church Street North.  
 Densham Road.  
 Green Street.  
 Hallsville Road. (Silvertown Way to Victoria Dock Road.)  
 Liverpool Road.  
 Malmesbury Road. (Liverpool Road to Oak Crescent.)  
 Manor Road.  
 Oak Crescent.  
 Plashet Road.  
 Portway.  
 Sabbarton Street.  
 Star Lane. (Manor Road to Liverpool Road.)  
 Victoria Dock Road. (Caxton Street North to Barking Road.)  
 Woodstock Street. (Silvertown Way to Victoria Dock Road.)

SCHEDULE (*continued*)PART II (*continued*)*City of Westminster*

Artillery Row.  
 Berkeley Square.  
 Berkeley Street.  
 Cranbourn Street.  
 Davies Street.  
 Dover Street. (Hay Hill to Piccadilly.)  
 Drury Lane.  
 Greycoat Place.  
 Hay Hill.  
 Horseferry Road.  
 Long Acre.  
 Mount Street.  
 New Bond Street.  
 Old Bond Street.  
 Pall Mall.  
 Park Street.  
 St. James's Street.  
 Upper St. Martin's Lane.

*Borough of Willesden*

Acton Lane. (Borough boundary to Station Road.)  
 Brentfield Road.  
 Brondesbury Park.  
 Cambridge Avenue.  
 Cambridge Gardens.  
 Cambridge Road.  
 Canterbury Road. (Salisbury Road to Malvern Road.)  
 Carlton Vale.  
 Chamberlayne Road.  
 Chambers Lane.  
 Kilburn Lane.  
 Malvern Road.  
 Manor Park Road.  
 Neasden Lane. (Dudden Hill Lane to Church Road.)  
 Salisbury Road.  
 Wrotesley Road.

*Borough of Wimbledon*

Alexandra Road.  
 Francis Grove. (Worple Road to St. George's Road.)  
 Gap Road. (Alexandra Road to Haydon's Road.)  
 Hartfield Road.  
 Lambton Road. (Worple Road to Coombe Lane.)  
 Pepsys Road. (Worple Road to Coombe Lane.)  
 Plough Lane.  
 St. George's Road. (Wimbledon Hill Road to Francis Grove.)  
 Victoria Crescent.  
 Worple Road.

*Borough of Wood Green*

Albert Road. (Alexandra Park Road to Durnsford Road.)  
 Alexandra Park Road.  
 Brownlow Road.  
 Durnsford Road.  
 Hornsey Park Road.  
 Mayes Road.  
 Park Avenue.  
 Station Road.

SCHEDULE (*continued*)PART II (*continued*)*Metropolitan Borough of Woolwich*

Artillery Place.  
 Avery Hill Road.  
 Basildon Road. (Bostall Hill to Cassilda Road.)  
 Calderwood Street. (Thomas Street to Powis Street.)  
 General Gordon Place.  
 Green Lane. (Footscray Road to Sidcup Road.)  
 Greens End.  
 Halfway Street.  
 Hare Street.  
 Hillreach.  
 King's Highway.  
 Knee Hill. (McLeod Road to Abbey Road.)  
 McLeod Road.  
 Nightingale Place.  
 Plumstead Common Road.  
 Powis Street.  
 Southend Crescent.  
 Southwood Road.  
 The Slade.  
 Thomas Street.  
 Wellington Street.  
 Westmount Road.  
 Woolwich New Road.

*Urban District of Yiewsley and West Drayton*

Bath Road—Longford. (Colnbrook By-pass to Stanwell Moor Road.)  
 Falling Lane.  
 Harmondsworth Road.  
 Hatch Lane.  
 Holloway Lane.  
 Stanwell Moor Road.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order re-enacts with amendments the London Traffic (Closing of Streets for Works) (No. 2) Order 1930. It prescribes the highways to which section 137 of the Highways Act 1959 applies and fixes the 1st February and the 1st August in each year as the half-yearly dates by which the statements of works of road maintenance and improvement required by subsection (1) of that section are to be submitted by the highway authorities concerned.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1817

## LANDLORD AND TENANT

## The Irish Land (Finance) (Amendment) Rules 1964

*Made* - - - - 16th November 1964  
*Laid before Parliament* 19th November 1964  
*Coming into Operation* 1st January 1965

The Treasury, in exercise of the powers conferred on them by sections 41, 45 and 46 of the Irish Land Act 1903(a), section 14 of the Irish Land Act 1909(b), and of all other powers enabling them in that behalf, hereby make the following Rules:—

1. The Irish Land (Finance) Rules 1912(c), as amended(d), shall be further amended by substituting for the word “forty-six” where it appears in Rule 16(2) (b) thereof, the word “forty-eight”, and by substituting for the word “fifty-three” where it appears therein, the word “fifty-six”.

2. The Irish Land (Finance) (Amendment) Rules 1962(e) are hereby revoked.

3. The Interpretation Act 1889(f) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

4. These Rules may be cited as the Irish Land (Finance) (Amendment) Rules 1964 and shall come into operation on 1st January 1965.

*Harriet Slater,*

*Ifor Davies,*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

16th November 1964.

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 EXPLANATORY NOTE
 

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*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These rules further amend the provisions in the Irish Land (Finance) Rules 1912, relating to the ascertainment of the amount repaid in respect of advances under the Irish Land Acts 1903 and 1909.

(a) 3 Edw. 7. c. 37.

(b) 9 Edw. 7. c. 42.

(c) S.R. & O. 1912/69 (1912, p. 405).

(d) See S.R. & O. 1913, p. 349; S.I. 1961/1012, 1962/1318 (1961 II, p. 1958; 1962 II, p. 1412).

(e) S.I. 1962/1318 (1962 II, p. 1412).

(f) 52 & 53 Vict. c. 63.



1964 No. 1825

## CHARITIES

**The Charities (Exception from Registration and  
Accounts) Regulations 1964**

<i>Made</i> - - - -	16th November 1964
<i>Laid before Parliament</i>	23rd November 1964
<i>Coming into Operation</i>	1st January 1965

In pursuance of sections 4(4), 8(1), 43 and 45(6) of the Charities Act 1960(a), I hereby make the following Regulations:—

1.—(1) A charity wholly or mainly concerned with the advancement of religion shall, in respect of any property or income to which this Regulation applies, be—

(a) excepted from the duty to be registered under section 4(2) of the Act; and

(b) an excepted charity for the purposes of section 8(1) of the Act.

(2) This Regulation applies to property for the time being held by a body named in the Schedule to these Regulations (whether alone or jointly with another person or persons) either as a duly constituted trustee or custodian trustee thereof or by virtue of the property having been vested in that body by or in pursuance of any Measure passed by the National Assembly of the Church of England, and to any income from property so held.

2. The exceptions provided by Regulation 1 of these Regulations in relation to a charity are conditional upon the Charity Commissioners being notified, from time to time as the case may require, of the following:—

(a) the name of the charity;

(b) a brief summary of its purposes and its area of benefit;

(c) the postal address of any land in England and Wales occupied for its purposes and held as mentioned in Regulation 1(2) of these Regulations; and

(d) brief particulars of any other property of the charity so held or, alternatively, the approximate amount of the annual income from that property, indicating in either case whether the property or income forms part of or, as the case may be, is derived from a permanent endowment.

3.—(1) In these Regulations the expression—

“advancement of religion” includes the relief of ministers and former ministers of religion and their families;

“the Act” means the Charities Act 1960.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

4. These Regulations may be cited as the Charities (Exception from Registration and Accounts) Regulations 1964 and shall come into operation on 1st January 1965.

*Frank Soskice,*

One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

16th November 1964

SCHEDULE  
CHURCH OF ENGLAND  
DIOCESAN TRUST CORPORATIONS

Regulation 1(2)

The Canterbury Diocesan Board of Finance.  
The York Diocesan Board of Finance.

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The London Diocesan Fund.  
The London Diocesan Board of Finance.  
The Trustees of the Bishop of London's Fund Registered.  
The Durham Diocesan Board of Finance.  
The Winchester Diocesan Board of Finance.

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The Bath and Wells Diocesan Board of Finance.  
Birmingham Diocesan Trustees Registered.  
The Birmingham Diocesan Board of Finance.  
Blackburn Diocesan Board of Finance.  
The Bradford Diocesan Board of Finance.  
The Bristol Diocesan Board of Finance.  
The Bristol Diocesan Trust.  
The Carlisle Diocesan Board of Finance.  
The Chelmsford Diocesan Board of Finance.  
The St. Albans and Chelmsford Church Trust.  
The Chester Diocesan Board of Finance.  
The Chichester Diocesan Fund and Board of Finance (Incorporated).  
Coventry Diocesan Trustees Registered.  
The Coventry Diocesan Board of Finance.  
The Derby Diocesan Board of Finance.  
The Ely Diocesan Board of Finance.  
The Exeter Diocesan Board of Finance.  
The Exeter Diocesan Trust.  
The Gloucester Diocesan Trust Limited.

The Guildford Diocesan Board of Finance.  
The Hereford Diocesan Board of Finance.  
The Leicester Diocesan Board of Finance.  
The Lichfield Diocesan Trust.  
The Lincoln Diocesan Trust and Board of Finance.  
The Liverpool Diocesan Board of Finance.  
Manchester Diocesan Board of Finance.  
The Newcastle Diocesan Society.  
The Newcastle Diocesan Board of Finance.  
The Norwich Diocesan Board of Finance.  
The Oxford Diocesan Board of Finance.  
The Peterborough Diocesan Board of Finance.  
Portsmouth Diocesan Board of Finance.  
The Ripon Diocesan Board of Finance.  
The Rochester Diocesan Society and Board of Finance.  
The St. Albans Diocesan Board of Finance.  
The St. Edmundsbury and Ipswich Diocesan Board of Finance.  
The Salisbury Diocesan Board of Finance.  
The Sheffield Diocesan Trust and Board of Finance.  
The Rochester and Southwark Diocesan Church Trust.  
The Southwell Diocesan Board of Finance.  
The Board of Finance of the Diocese of Truro.  
The Wakefield Diocesan Church Organization Society.  
The Worcester Diocesan Board of Finance.  
Worcester Diocesan Trust Registered.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations except religious charities, as regards property held by any of the bodies named in the Schedule as trustee for the charity, from registration under the Charities Act 1960 and also from the duty under section 8(1) of that Act to send to the Charity Commissioners annual accounts otherwise than on request. These exceptions are subject to the Commissioners being notified of the particulars mentioned in Regulation 2.

1964 No. 1835

## TRADE MARKS

## The Trade Marks (Amendment No. 2) Rules 1964

*Made* - - - - 18th November 1964  
*Laid before Parliament* 25th November 1964  
*Coming into Operation* 27th November 1964

Whereas, in pursuance of the requirements of section 40(3) of the Trade Marks Act 1938(a), the Board of Trade have, before making the following Rules under that Act, published notice of their intention to make such Rules and of the place where copies of the draft Rules may be obtained by advertising such notice in the Trade Marks Journal and the Official Journal (Patents) on the 2nd and 9th September 1964, being the manner which the Board considered most expedient so as to enable persons affected to make representations to the Board before the Rules were finally settled :

Now, therefore, the Board of Trade, in pursuance of the powers conferred on them by sections 40 and 41 of the Trade Marks Act 1938 and of all other powers enabling them in that behalf, and with the sanction of the Treasury, hereby make the following Rules:—

1. The fee payable by virtue of Rule 3 of the Trade Marks Rules 1938(b), as amended (c), in respect of any of the matters specified in the Schedule hereto shall on and after 27th January 1965 be the appropriate fee so specified and, accordingly, on that date—

- (i) for Schedule 1 to the said Rules there shall be substituted the Schedule hereto ; and
- (ii) Rule 3 of and Schedule 1 to the Trade Marks (Amendment) Rules 1964(d) shall be revoked.

2. Where, on or after 27th November 1964 but before 27th January 1965, Form TM—No. 11 is filed in respect of the renewal of registration of a trade mark or a series of trade marks the last registration of which mark or series of marks is due to expire after 26th January 1965, the fee payable in respect of such renewal shall be that which would be payable if the said form were filed on or after 27th January 1965.

3. Where, on or after 27th November 1964 but before 27th January 1965, Form Cotton—No. 6 is filed to secure the continued inclusion of a mark in the collection of refused marks pursuant to Rule 102 of the Trade Marks Rules 1938 in a case in which the relevant period of 14 years mentioned in that Rule is due to expire after 26th January 1965, the continuance fee

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(a) 1 & 2 Geo. 6. c. 22. (b) S.R. & O. 1938/661 (Rev. XXIII, p. 3: 1938 II, p. 3257).  
 (c) The relevant amending instrument is S.I. 1964/227 (1964 I, p. 408).  
 (d) S.I. 1964/227 (1964 I, p. 408).

payable shall be that which would be payable if the said form were filed on or after 27th January 1965.

**4.** The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as if these Rules and the Rule hereby revoked were Acts of Parliament.

**5.** These Rules may be cited as the Trade Marks (Amendment No. 2) Rules 1964 and shall come into operation on 27th November 1964.

18th November 1964.

*Douglas Jay,*  
President of the  
Board of Trade.

We sanction the making of these Rules.

18th November 1964.

*John McCann,*  
*Harriet Slater,*  
Lords Commissioners of  
Her Majesty's Treasury.

**SCHEDULE**  
**LIST OF FEES PAYABLE**

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
1 On application not otherwise charged to register a trade mark for a specification of goods included in one class .. ...	4 0 0*	T.M-No. 2 Textile-No. 2
1a On application to register a series of trade marks under Section 21(2) for a specification of goods included in one class ...	4 0 0*	T.M-No. 2 Textile-No. 2
1b On application to register a defensive trade mark for a specification of goods included in one class ... ..	5 0 0*	T.M-No. 32
1c On application under Section 37 to register a certification trade mark for a specification of goods included in one class ... ..	4 0 0*	T.M-No. 6
1d On applications made at the same time under Section 37 to register one certification trade mark for specifications of goods not all included in one class— In respect of every class ... .. Total fee in no case to exceed £80 for any number of classes.	4 0 0*	T.M-No. 6
2 On a request to the Registrar to state grounds of decision relating to an application to register a trade mark and materials used ... ..	3 10 0	T.M-No. 5
3 On notice of opposition before the Registrar under Section 18, for each application opposed, by opponent ...	3 10 0	T.M-No. 7
3a On lodging a counter-statement in answer to a notice of opposition under Section 18, for each application opposed, by the applicant ; or in answer to an application under any of the Sections 26, 27, 32 and 33, by the proprietor in respect of each trade mark; or in answer to a notice of opposition under Section 35 or Section 36, for each application or conversion opposed, by the proprietor...	2 10 0	T.M-No. 8
3b On the hearing of each opposition under Section 18, by applicant and by opponent respectively; or on the hearing of an application under any of the Sections 26, 27, 32 and 33, by applicant and by proprietor respectively; or on the hearing of an opposition under Section 35 or Section 36, by proprietor and by opponent respectively ... ..	3 10 0	T.M-No. 9

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
3c On notice of opposition before the Board of Trade under paragraph 2(2) of Schedule 1 to the Act, for each application opposed, by the opponent... ..	3 10 0	T.M-No. 37
3d On lodging a counter-statement in answer to a notice of opposition before the Board of Trade under paragraph 2(2) of Schedule 1 to the Act, for each application opposed, by the applicant... ..	2 10 0	T.M-No. 38
3e On the hearing of each opposition before the Board of Trade under paragraph 2(2) of Schedule 1 to the Act, by applicant and by opponent respectively ...	3 10 0	T.M-No. 39
4 For one registration of a trade mark not otherwise charged for a specification of goods included in one class ... ..	5 0 0	T.M-No. 10
4a For one registration of a series of trade marks under Section 21(2) for a specification of goods included in one class— For the first mark ... .. And for every other mark of the series	5 0 0 0 6 0	T.M-No. 10
4b For registration under Section 37 of a certification trade mark for a specification of goods included in one class ...	5 0 0	T.M-No. 10
4c For registration upon applications made at the same time of one certification trade mark, under Section 37, for specifications of goods not all included in one class— In respect of every class ... .. Total fee in no case to exceed £100 for any number of classes.	5 0 0	T.M-No. 10
4d For one registration of a defensive trade mark for a specification of goods included in one class ... ..	6 0 0	T.M-No. 10
5 Upon each addition to the registered entry of a trade mark of a note that the mark is associated with a newly registered mark ... ..	0 6 0	T.M-No. 10
5a On an application to dissolve the association between registered trade marks ...	2 10 0	T.M-No. 19
6 On application to register a registered user of a registered trade mark in respect of goods within the specification thereof...	4 0 0*	T.M-No. 50

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
6a On application to register the same registered user of more than one registered trade mark of the same registered proprietor in respect of goods within the respective specifications thereof and subject to the same conditions and restrictions in each case—		
For the first mark ... ..	4 0 0*	T.M.-No. 50
And for every other mark of the proprietor included in the application and statement of case ... ..	0 5 0*	
6b On application by the proprietor of a single trade mark under Section 28(8)(a) to vary the entry of a registered user thereof ... ..	5 0 0	T.M.-No. 51
6c On application by the proprietor of more than one trade mark under Section 28(8)(a) to vary the entries of a registered user thereof—		
For the first mark ... ..	5 0 0	T.M.-No. 51
And for every other mark of the proprietor for which the same user is registered, included in the application ... ..	0 6 0	
6d On application by the proprietor or registered user of a single trade mark under Section 28(8)(b), for cancellation of the entry of a registered user thereof ...	2 10 0	T.M.-No. 52
6e On application by the proprietor or registered user of more than one trade mark under Section 28(8)(b), for cancellation of the entries of a registered user thereof—		
For the first mark ... ..	2 10 0	T.M.-No. 52
And for every other mark of the proprietor for which the same user is registered, included in the application ... ..	0 2 6	
6f On application under Section 28(8)(c), to cancel the entry of a registered user of a single trade mark ... ..	2 10 0	T.M.-No. 53
6g On application under Section 28(8)(c), to cancel the entries of a registered user of more than one trade mark—		
For the first mark ... ..	2 10 0	T.M.-No. 53
And for every other mark of the same proprietor for which the same user is registered, included in the application ... ..	0 2 6	



Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
6h On notice under Section 28(9) and Rule 112, of intention to intervene in one proceeding for the variation or cancellation of entries of a registered user of trade marks ... ..	1 5 0	T.M-No. 54
7 On request to enter in the register and advertise a certificate of validity, under Section 47 and Rule 88— For the first registration certified ... And for every other registration certified in the same certificate ...	1 5 0 0 1 0*	T.M-No. 49
7a On application under Section 29(4) and Rule 76 for extension of time for registering a corporation as subsequent proprietor of trade marks on one assignment— Not exceeding two months ... .. Not exceeding four months ... .. Not exceeding six months ... ..	1 5 0 2 10 0 3 10 0	T.M-No. 14 T.M-No. 14 T.M-No. 14
8 On application for certificate of the Registrar, under Section 22(5) and Rule 79— For the first mark proposed to be assigned ... .. And for every other mark of the same proprietor included in that assignment ... ..	5 0 0 0 6 0	T.M-No. 40
8a On application for approval of the Registrar, under Section 22(6) or paragraph 2 of Schedule 3 of the Act, and Rule 79— For the first mark ... .. And for every other mark of the same proprietor included in the same transfer ... ..	5 0 0 0 6 0	T.M-No. 41 or 42
8b On application for directions by the Registrar for advertisement of assignment of trade marks in use, without goodwill— For one mark assigned ... .. And for every other mark assigned with the same devolution of title ...	2 10 0 0 6 0	T.M-No. 43
8c On application for extension of time for applying for directions for advertisement of assignment of trade marks in use, without goodwill, in respect of one devolution of title— Not exceeding one month ... .. Not exceeding two months ... .. Not exceeding three months ... ..	1 5 0 2 10 0 3 10 0	T.M-No. 44 T.M-No. 44 T.M-No. 44

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
9 On application to register a subsequent proprietor in a case of assignment or transmission of a single trade mark—		
If made within six months from the date of acquisition of proprietorship ... ..	5 0 0	T.M-No. 15 or 16
If made after expiration of six months but within twelve months from the date of acquisition of proprietorship	5 10 0	"
If made after expiration of twelve months from the date of acquisition of proprietorship ... ..	6 0 0	"
9a On application to register a subsequent proprietor of more than one trade mark standing in the same name, the devolution of title being the same in each case—		
If made within six months from the date of acquisition of proprietorship		
For the first mark ... ..	5 0 0	T.M-No. 15 or 16
And for every other mark ...	0 6 0	
If made after expiration of six months but within twelve months from the date of acquisition of proprietorship		
For the first mark ... ..	5 10 0	"
And for every other mark ...	0 6 0	
If made after expiration of twelve months from the date of acquisition of proprietorship—		
For the first mark ... ..	6 0 0	"
And for every other mark ...	0 6 0	
10 On application to change the name or description of a proprietor or a registered user of a single trade mark where there has been no change in the proprietorship or in the identity of the user ... ..	1 5 0	T.M-No. 21
10a On application to change the name or description of a proprietor or a registered user of more than one trade mark standing in the same name, where there has been no change in the proprietorship or in the identity of the user, the change being the same in each case—		
For the first mark ... ..	1 5 0	T.M-No. 21
And for every other mark ... ..	0 2 6	
11 For renewal of registration of a trade mark at expiration of last registration ...	10 0 0	T.M-No. 11
11a For renewal of registration of a series of trade marks under Section 21(2) at expiration of last registration—		
For the first mark of the series ...	10 0 0	T.M-No. 11
And for every other mark of the series	0 6 0	

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
11b For renewal of registrations of the same certification trade mark with the same date for goods in more than one class— In respect of every class ... .. Total fee in no case to exceed £200 for any number of classes.	10 0 0	T.M-No. 11
11c Additional fee under Rule 67 ... ..	1 5 0	T.M-No. 12
11d Restoration fee under Rule 68 ... ..	5 0 0	T.M-No. 13
12 On an application to the Registrar for leave to add to or alter a single registered trade mark ... ..	5 0 0	T.M-No. 25
12a On an application to the Registrar for leave to add to or alter more than one registered trade mark of the same proprietor, being identical marks, the addition or alteration to be made in each case being the same— For the first mark ... .. And for every other mark ... ..	5 0 0 2 10 0	T.M-No. 25
12b On notice of opposition to application for leave to add to or alter registered trade marks, for each application opposed ...	3 10 0	T.M-No. 47
13 For altering one or more entries of the trade or business address of a registered proprietor or a registered user of a trade mark where the address in each case is the same and is altered in the same way (unless exempted from fee under Rule 81)— For the first entry ... .. And for every other entry ... ..	1 5 0 0 2 6	T.M—No. 18
14 For every entry in the register of a rectification thereof or an alteration therein, not otherwise charged ... ..	2 10 0	T.M-No. 48
15 For cancelling the entry or part of the entry of a trade mark upon the register on the application of the registered proprietor of the trade mark ... ..	0 12 6	T.M-No. 22 or 23
16 On application under any of the Sections 26, 27, 32 and 33, for rectification of the register or removal of trade mark from the register ... ..	6 0 0	T.M-No. 26
16a On application for leave to intervene in proceedings under any of the Sections 26, 27, 32 and 33, for rectification of the register or removal of trade mark from the register ... ..	3 10 0	T.M-No. 27

Matter or Proceeding	Amount	Corresponding Form
17 On request, not otherwise charged, for correction of clerical error or for permission to amend application ... ..	£ s. d. 1 5 0	T.M-No. 20
18 On request by registered proprietor of a trade mark for entry of disclaimer or memorandum in the register ... ..	1 5 0	T.M-No. 24
19 On application to the Board of Trade under Rule 93 to expunge or vary the registration of a certification trade mark or to vary the deposited regulations of a certification trade mark or of certification trade marks of the same registered proprietor where the regulations are substantially the same ... ..	3 10 0	T.M-No. 36
19a On request to the Board of Trade by the registered proprietor of a certification trade mark to permit alteration of the deposited regulations thereof— For the regulations of one such registration ... .. For the same or substantially the same regulations of each other registration proposed to be altered in the same way and included in the same request	2 10 0 0 6 0	T.M-No. 35
20 On application by registered proprietor under Rule 6, for conversion of specification ... ..	0 12 6	T.M-No. 45
20a On notice of opposition to a conversion of the specification or specifications of a registered trade mark or registered trade marks— For one mark ... .. For every other mark of the same proprietor having the same specification ... ..	3 10 0 0 6 0	T.M-No. 46
21 On appeal from the Registrar to the Board of Trade, in respect of each decision appealed against, by Appellant... ..	5 0 0	T.M-No. 30
22 For a search under Rule 127 in respect of one class— Without application for the Registrar's advice under Rule 20 ... .. With application for the Registrar's advice under Rule 20 ... ..	1 10 0* 2 0 0*	T.M-No. 28 T.M-No. 28
23 On request for the Registrar's preliminary advice under Rule 20, for each trade mark submitted in respect of one class...	0 10 0*	T.M-No. 29
24 For certificate of the Registrar (other than certificate under Section 19(2)) of the registration of a trade mark ... ..	0 12 6	T.M-No. 31

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
24a For certificate of the Registrar (other than certificate under Section 19(2)) of the registration of a series of trade marks under Section 21(2) ... ..	1 5 0	T.M-No. 31
25 For certificate of the Keeper of an entry in the Manchester Record relating to one trade mark ... ..	0 12 6	Textile-No. 5
25a For certificate of the Keeper of an entry in the Manchester Record relating to a series of trade marks under Section 21(2)	1 5 0	Textile-No. 5
26 For the continuance of a Cotton Mark in the Collection of Refused Marks— For each mark in each class at the end of each period of fourteen years after date of application ... ..	2 10 0	Cotton-No. 6
27 For cancelling or making one or more entries of an address for service of a registered proprietor or a registered user of a trade mark where the address in each case is the same, on application made after the registration in each case— For the first entry ... .. And for every other entry included in the application ... ..	0 12 6 0 2 6	T.M-No. 33
27a For altering one or more entries of an address for service in the register included in one application for alteration, where the address and the alteration in each case are the same— For the first entry ... .. And for every other entry ... .. Total fee in no case to exceed £62-10-0 for any number of entries.	0 12 6 0 2 6	T.M-No. 33
28 For inspecting register or Manchester Record, or notice of opposition, counter-statement or decision in connection with any opposition or application for rectification of the register relating to any particular trade mark, for every quarter of an hour ... ..	0 2 6	—
29 For permission to search amongst the classified representations of trade marks, for every quarter of an hour ... ..	0 2 6	—
30 For office copy of documents, for every 100 words ... ..	0 1 0* but never less than 2s.*	—

Matter or Proceeding	Amount	Corresponding Form
	£ s. d.	
31 For photographic copy of documents ...	Cost according to agreement	—
32 For certifying office copies M.S. or photographic or printed matter ... ..	0 12 6	—
33 For extra space in the Journal advertisement, in cases where the printing block for the trade mark exceeds 2 inches in breadth or depth, or in breadth and depth—		
For every inch or part of an inch over 2 inches in breadth ... ..	0 5 0	—
For every inch or part of an inch over 2 inches in depth ... ..	0 5 0	—

The fees to be paid on any proceeding at the Manchester Branch and at the office of the Cutlers' Company shall be the same as for the similar proceeding at the Office.

For the purpose of these fees (except as specially provided above) every mark of a series under Section 21, or any preceding similar enactment, shall be deemed to be a mark separately registered.

### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules further amend the Trade Marks Rules 1938.

With the exceptions indicated by asterisk, the fees payable under the rules are increased.

The new fees become payable generally on or after 27th January 1965, except in the case of renewal fees and continuance fees paid in advance. Such fees in respect of any period beginning on or after 27th January 1965 are increased on 27th November 1964.

1964 No. 1840 (S. 116)

## PRIVATE LEGISLATION PROCEDURE, SCOTLAND

## The Private Legislation Procedure (Scotland) General Order 1964

<i>Made</i> . . . . .	18th November 1964
<i>Laid before Parliament</i>	24th November 1964
<i>Coming into Operation</i>	25th November 1964

We, the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons, acting jointly with the Secretary of State, in exercise of the powers vested in us by section 15 of the Private Legislation Procedure (Scotland) Act 1936(a), hereby make the following Order:—

1. The Private Legislation Procedure (Scotland) General Orders 1946(b) as amended(c) shall be amended in terms of the Schedule hereto.

2. This Order may be cited as the Private Legislation Procedure (Scotland) General Order 1964, and shall come into force on 25th November 1964.

*Merthyr,*

Chairman of Committees of the  
House of Lords.

17th November 1964.

*Horace King,*

Chairman of Ways and Means in  
the House of Commons

18th November 1964.

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State.

18th November 1964.

## SCHEDULE

## NOTE:

The references are to the General Orders under the Private Legislation Procedure (Scotland) Act 1936, as revised 1952, issued as a Stationery Office Publication by authority of the Secretary of State for Scotland. The lines are to be reckoned from the first line of the Order referred to.

29, line 7: leave out "and Civil Aviation".

(a) 26 Geo. 5 & 1 Edw. 8. c. 52.

(b) S.R. & O. 1946/2157 (Rev. XVIII, p. 719:

1946 I, p. 1415).

(c) S.R. & O. 1947/2347 (Rev. XVIII, p. 719: 1947 I, p. 1891);

S.I. 1949/331, 1950/1748, 1952/656, 1954/1141, 1957/465, 1961/2133 (1949 I, p. 3541; 1950 II, p. 439; 1952 III, p. 2693; 1954 II, p. 1841; 1957 II, p. 1924; 1961 III, p. 3875).

- 32, line 4: leave out "land" and insert "lands".  
 line 6: leave out "and Civil Aviation".  
 line 8: leave out "Admiralty" and insert "Ministry of Defence Navy Department".
- 35, line 10: leave out "and Civil Aviation".
- 39, line 4: leave out "Air Ministry" and insert "Ministry of Defence".  
 line 5: after the first "of" insert "Public Building and".  
 line 6: leave out "and Civil Aviation".  
 leave out "Supply" and insert "Aviation".  
 line 11: leave out "Admiralty" and insert "Ministry of Defence Navy Department".  
 line 12: leave out "company, body or".  
 lines 13 and 14: leave out from "any" to "Kingdom" and insert "and affecting in any way the operations of that person in—".  
 lines 15 to 19: leave out and insert—  
 " (a) any part of Her Majesty's dominions outside the United Kingdom other than the countries mentioned in subsection (3) of section 1 of the British Nationality Act 1948, the Channel Islands and Isle of Man, or  
 (b) a British protectorate or protected state or the New Hebrides,  
 at the Colonial Office."
- 43, line 31: leave out "and Civil Aviation".
- 98, line 6: leave out "Scottish Home Department" and insert "Scottish Development Department".
- 99, line 6: leave out "and Civil Aviation".  
 line 8: leave out "and Civil Aviation".  
 leave out "Scottish Home Department" and insert "Scottish Development Department".
- 106, line 9: leave out "and Civil Aviation".  
 line 20: leave out "and Civil Aviation".
- 107, line 4: leave out "and Civil Aviation".

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The Order amends the General Orders made under section 15 of the Private Legislation Procedure (Scotland) Act 1936, which regulate the procedure for obtaining Parliamentary powers by way of Provisional Order in matters affecting Scotland.

Most of the amendments correspond to amendments which have been made to the Standing Orders of the House of Lords and House of Commons.



1964 No. 1841

**POLICE****ENGLAND AND WALES****The Police (Amendment) (No. 3) Regulations 1964***Made* - - - - 19th November 1964*Coming into Operation* 1st December 1964

I, the Right Honourable Sir Frank Soskice, Q.C., M.P., one of Her Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by section 4 of the Police Act 1919(a), hereby make the following Regulations:—

1. In paragraph (2)(b)(i) of Regulation 28 of the Police Regulations 1952(b) (which relates to rent allowances), as set out in Regulation 1 of the Police (No. 2) Regulations 1957(c), for the words "thirty-five years" there shall be substituted the words "thirty years".

2. These Regulations may be cited as the Police (Amendment) (No. 3) Regulations 1964 and shall come into operation on 1st December 1964.

*Frank Soskice,*

One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

19th November 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend Regulation 28 of the Police Regulations 1952, which relates to rent allowances.

The rate at which such an allowance is payable depends upon the circumstances of the member of a police force concerned; in particular an unmarried member is entitled to a maximum limit allowance if he has attained the age of 35 years, has 5 years' service and is the owner or tenant of the accommodation in which he is living. The present Regulations change these conditions by substituting the age of 30 years for the age of 35 years.

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(a) 9 & 10 Geo. 5. c. 46. (b) S.I. 1952/1704 (1952 II, p. 2480).  
(c) S.I. 1957/2004 (1957 II, p. 1877).

1964 No. 1842 (L. 14)

**MAGISTRATES' COURTS**

**PROCEDURE**

**The Magistrates' Courts (No. 3) Rules 1964**

*Made* - - - - - 19th November 1964  
*Laid before Parliament* 26th November 1964  
*Coming into Operation* 1st January 1965

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules :—

1. At the end of Rule 12 of the Magistrates' Courts Rules 1952(c), as amended(d), there shall be inserted the following paragraphs :—

“(6) In the application of this Rule in relation to any committal to the Central Criminal Court, in paragraph (2) for the words ‘before the first day of sitting of the court to which he is committed’ there shall be substituted the words ‘within four days from the date of his committal (not counting Sundays, Good Friday, Christmas Day or bank holidays)’.

(7) In the application of this Rule as aforesaid, the said period of four days may be extended for so long as the clerk of the Central Criminal Court directs, having regard to the length of any document mentioned in paragraph (2) of this Rule or any other relevant circumstance.

(8) Upon the committal of any person to the Central Criminal Court, the clerk of the magistrates' court that committed him shall forthwith in writing notify the clerk of the Central Criminal Court of that committal.”

2. These Rules may be cited as the Magistrates' Courts (No. 3) Rules 1964 and shall come into operation on 1st January 1965.

Dated 19th November 1964.

*Gardiner, C.*

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(a) 12, 13 & 14 Geo. 6. c. 101.

(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.

(c) S.I. 1952/2190 (1952 II, p. 1593).

(d) There is no amendment which relates to the subject-matter of these Rules.

**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules amend Rule 12 of the Magistrates' Courts Rules 1952, under which the clerk of a magistrates' court that commits a person for trial is required to send certain documents and exhibits to the court of trial before the first day of sitting of that court. These Rules provide that, in the case of a committal to the Central Criminal Court, the time within which the documents and exhibits are to be sent to that court shall be four days from the date of committal and also that written notice of the committal shall be given forthwith to that court. The changes are made in consequence of the new system introduced by section 1(2) of the Administration of Justice Act 1964 (c. 42) under which there will be four instead of twelve sessions of the Central Criminal Court in each year.

1964 No. 1843

## AFRICA

**The Bechuanaland (Electoral Provisions) (No. 2) Order  
1964**

*Made* - - - - 20th November 1964

*Laid before Parliament* 26th November 1964

*Coming into Operation* 27th November 1964

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is proposed that in due course, in place of the existing Legislative Council, there should be established for the Bechuanaland Protectorate a legislative body to be called "the Legislative Assembly" (in this Order referred to as "the proposed Legislative Assembly"):

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by the Foreign Jurisdiction Act 1890(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Bechuanaland (Electoral Provisions) (No. 2) Order 1964, and shall be construed as one with the Bechuanaland (Electoral Provisions) Order 1964(b).

Citation,  
construction  
and com-  
mencement.

(2) This Order and the Bechuanaland (Electoral Provisions) Order 1964 may be cited together as the Bechuanaland (Electoral Provisions) Orders 1964.

(3) This Order shall come into operation on 27th November 1964.

2.—(1) The Commissioner may, by regulation published in the Gazette, make provision for—

Regulations  
relating to  
the holding  
of elections.

(a) the holding of elections to the proposed Legislative Assembly and matters incidental thereto; and

(b) the definition and trial of offences relating to elections and the imposition of penalties therefor, including disqualification for membership of the proposed Legislative Assembly, or for registration as a voter, or for voting at elections, of any person concerned in any such offence.

(2) No election of members to the proposed Legislative Assembly shall be held under any regulations made in pursuance of this section until provision has been made by Order of Her Majesty in Council for the establishment of the proposed Legislative Assembly and that provision has come into operation.

*W. G. Agnew.*

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order enables Her Majesty's Commissioner for Bechuanaland to make further provision by regulation for the electoral law relating to the proposed new Legislative Assembly.

1964 No. 1844

**CARIBBEAN AND NORTH ATLANTIC  
TERRITORIES**
**The British Guiana (Supplementary Expenditure)  
Order 1964**
*Made - - - - 20th November 1964*

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b) (hereinafter called "the principal Order") is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1.—(1) This Order may be cited as the British Guiana (Supplementary Expenditure) Order 1964.

Citation and interpretation.

(2) The provisions of article 115 of the Constitution of British Guiana set out in the principal Order, as amended by the British Guiana (Constitution) Order 1964(c) (hereinafter called "the Constitution"), shall apply for the purpose of interpreting this Order as they apply for the purpose of interpreting the Constitution.

2.—(1) Until the House of Assembly established by article 46 of the Constitution first meets after the coming into force of this Order, the Governor may from time to time, upon the request of the Council of Ministers or of a Minister acting under the authority of the Council of Ministers, authorise, by writing under his hand—

Authorisation of supplementary expenditure.

(a) any expenditure upon a service which is in excess of the sum provided for that service by any law or resolution made or passed under article 109 of the Constitution in respect of the financial year ending on 31st December 1964 ; or

(b) any expenditure upon a service for which no provision has been so made in respect of that financial year.

(2) Any expenditure authorised by the Governor under subsection (1) of this section shall be charged on the revenues of British Guiana and accordingly shall be statutory expenditure for the purposes of Part VII of the Constitution.

3. The powers of the Governor under this Order and his powers under article 109(3) of the Constitution, in so far as that article relates to the withdrawal of moneys for the purpose of meeting expenditure authorised by the Governor under section 2 of this Order, shall be exercisable by him in his discretion.

Exercise of Governor's powers.

*W. G. Agnew.*

(a) 18 &amp; 19 Geo. 5. c. 5.

(b) S.I. 1961/1188 (1961 II, p. 2152).

(c) S.I. 1964/921 (1964 II, p. 2050).

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

**This Order makes special provision for the expenditure of public funds for supplementary expenditure of the Government of British Guiana which it is not possible to submit to the Legislature for approval.**

1964 No. 1845

## SOUTH ATLANTIC TERRITORIES

## The St. Helena Court of Appeal Order 1964

*Made* - - - - - 20th November 1964  
*Laid before Parliament* 26th November 1964  
*Coming into Operation* On a day to be  
 appointed by the  
 Governor under  
 article 1(2)

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 112 of the Government of India Act 1833(a) and by the British Settlements Acts 1887 and 1945(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the St. Helena Court of Appeal Order 1964.

Citation  
and com-  
mencement.

(2) This Order shall come into operation on such day as the Governor may, by proclamation in the Government Gazette of St. Helena, appoint, which day shall not be earlier than 27th November 1964.

2.—(1) In this Order, unless the context otherwise requires—

Interpre-  
tation.

“the Court” means the Court constituted by this Order;

“the existing Court” means the Court of Appeal for Eastern Africa established under the Constitution of the East African Common Services Organization;

“the Governor” means the Governor and Commander-in-Chief of St. Helena;

“St. Helena” means the Colony of St. Helena and its Dependencies.

(2) In this Order, unless the context otherwise requires, a reference to the holder of an office by the term designating his office includes, to the extent of his authority, any person who is for the time being authorised to perform the functions of that office.

(3) The Interpretation Act 1889(c) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

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(a) 3 & 4 Will. 4. c. 85.

(b) 50 & 51 Vict. c. 54 and 9 & 10 Geo. 6. c. 7.

(c) 52 & 53 Vict. c. 63.



Constitution  
of Court.

3.—(1) There shall be a court of appeal for St. Helena, styled the St. Helena Court of Appeal, which shall be a superior court of record.

(2) The judges of the Court shall be—

(a) a President and two or more Justices of Appeal ; and

(b) the Chief Justice of the Supreme Court of St. Helena, who shall be a member of the Court *ex officio*.

(3) (a) The President and the Justices of Appeal shall be appointed by the Governor in accordance with instructions given by Her Majesty through a Secretary of State and shall hold office on such terms and conditions as the Governor shall, in accordance with such instructions, prescribe ;

(b) a person shall not be qualified for appointment as the President or a Justice of Appeal of the Court unless—

(i) he is, or has been, a judge of a court having unlimited jurisdiction in civil and criminal matters in some part of the Commonwealth or in the Republic of Ireland, or a court having jurisdiction in appeals from any such court ; or

(ii) he is entitled to practise as an advocate in such a court and has been entitled for not less than five years to practise as an advocate or a solicitor in such a court ;

(c) for the purposes of this paragraph, a person shall be regarded as entitled to practise as an advocate or a solicitor if he has been called, enrolled or otherwise admitted as such (and has not subsequently been disbarred or removed from the roll of advocates or solicitors) notwithstanding that—

(i) he holds or acts in any office the holder of which is, by reason of his office, precluded from practising in a court ; or

(ii) he does not hold a practising certificate or has not satisfied any other like condition of his being permitted to practise.

(4) At any time when the office of President of the Court is vacant or the person holding that office is for any reason unable to perform the functions of that office, those functions shall be performed by such one of the Justices of Appeal or such other person qualified for appointment as a Justice of Appeal as may from time to time be designated in that behalf by the Governor.

(5) The Court shall have and use a seal bearing the style of the Court and a device approved by the President.

(6) Every person appointed to be a judge of the Court shall, before entering upon the functions of his office, take the oaths or affirmations set out in the Schedule to this Order.

Jurisdiction  
of the  
Court.

4.—(1) The Court shall have jurisdiction to hear and determine such appeals from the courts of St. Helena as may be prescribed by any law in force in St. Helena.

(2) In connection with any appeal from a court of St. Helena the Court shall, subject to the provisions of this Order and any law in force in St. Helena, have all the powers and jurisdiction that are possessed by that court under any law in force in St. Helena ; and decisions of the Court in respect of any appeal from a court of St. Helena shall, subject as aforesaid, be enforced in St. Helena in the same way as decisions of that court.

(3) The Court may, in accordance with any directions issued from time to time by the President, sit in St. Helena, or elsewhere for the purpose of exercising any jurisdiction and powers conferred upon it by or under this article or by any rule made under article 5 of this Order.

5.—(1) Subject to the provisions of this Order, the President may make rules for regulating the practice and procedure of the Court with respect to appeals from the courts of St. Helena and, in connection with such appeals, for regulating the practice and procedure in any court of St. Helena from which such appeals are brought. Practice and procedure on appeals.

(2) Without prejudice to the generality of paragraph (1) of this article, rules of court may be made for the following purposes :—

- (a) for regulating the sittings of the Court, whether in divisions or otherwise, and the selection of judges for any purpose ;
- (b) for regulating the right of practising before the Court and the representation of persons concerned in any proceedings in the Court ;
- (c) for prescribing cases in which, and conditions upon which, an appellant in a criminal appeal to the Court shall be entitled to be present at the hearing of the appeal ;
- (d) for providing for summary determination of any appeal which appears to the Court to be frivolous or vexatious or to be brought for the purposes of delay ;
- (e) for prescribing forms and fees in respect of proceedings in the Court and regulating the costs of and incidental to any such proceedings ;
- (f) for prescribing and regulating the powers and duties of registrars and officers of the Court ;
- (g) for prescribing the time within which any requirement of the rules is to be complied with ;
- (h) for providing for a reference from a decision of a single judge to the Court.

(3) Rules made under this article may fix the number of judges of the Court who may sit for any purpose :

Provided that—

- (a) an uneven number of judges shall sit, which, for the purposes of any final determination by the Court other than the summary dismissal of an appeal, shall not be less than three ; and
- (b) any determination by the Court on any matter (whether final or otherwise) shall, where more than one judge sits, be according to the opinion of a majority of the judges who sit for the purpose of determining that matter.

6.—(1) Any proceedings relating to appeals from the courts of St. Helena that are pending immediately before the commencement of this Order in the existing Court may be continued and concluded after the commencement of this Order in that court as if this Order had not been made. Pending proceedings.

(2) Any judgment of the existing Court given, but not satisfied, before the commencement of this Order, and any judgment of the existing Court given after the commencement of this Order in respect

of any proceedings referred to in paragraph (1) of this article, may be enforced after the commencement of this Order as if it were a judgment of the Court.

Existing  
appeal laws  
and rules  
of court.

7.—(1) Any law in force in St. Helena immediately before the commencement of this Order providing for appeals from the courts of St. Helena to the existing Court and matters relating thereto shall, subject to amendment or repeal by a law of the Legislature of St. Helena or by rules made under article 5 of this Order, continue in force in St. Helena after the commencement of this Order, but shall have effect as if it was a law enacted in pursuance of article 5 of this Order and for that purpose shall be construed with any necessary adaptations and modifications.

(2) All rules of court relating to the hearing and determination of appeals from the courts of St. Helena by the existing Court in force immediately before the commencement of this Order shall, subject to amendment or revocation by rules made under article 5 of this Order, continue in force after the commencement of this Order and shall have effect as if they were rules made under article 5 of this Order and for that purpose shall be construed with any necessary adaptations and modifications.

(3) The Governor may by order made at any time before the 30th June 1965 make such amendments to any law in force in St. Helena as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of this Order or otherwise for giving effect or enabling effect to be given to those provisions.

*W. G. Agnew.*

(article 3(6))

## SCHEDULE

### FORMS OF OATHS AND AFFIRMATIONS

#### 1. *Oath of Allegiance*

I .....  
do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.

#### 2. *Affirmation of Allegiance*

I .....  
do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law.

#### 3. *Judicial Oath*

I .....  
do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*) and I will do right to all manner of people according to the law without fear or favour affection or ill-will. So help me God.

#### 4. *Judicial Affirmation*

I .....  
do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second in the office of (*here insert the description of the office*) and I will do right to all manner of people according to the law without fear or favour affection or ill-will.

**EXPLANATORY NOTE**

*(This Note is not a part of the Order, but is intended to indicate its general purport.)*

**This Order makes fresh provision for the hearing and determination of appeals from the courts of St. Helena.**

1964 No. 1846

**JUDICIAL COMMITTEE**

**The St. Helena Court of Appeal (Appeal to Privy Council)  
Order 1964**

*Made - - - - 20th November 1964*  
*Coming into Operation As provided in*  
*section 1(2)*

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 1 of the Judicial Committee Act 1844(a) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

**1.**—(1) This Order may be cited as the St. Helena Court of Appeal (Appeal to Privy Council) Order 1964.

(2) This Order shall come into operation on the date on which the St. Helena Court of Appeal Order 1964(b) comes into operation.

Interpretation.

**2.**—(1) In this Order, unless the context otherwise requires—

“appeal” means appeal from a judgment of the Court to Her Majesty in Council;

“Court” means the St. Helena Court of Appeal established by the St. Helena Court of Appeal Order 1964;

“judgment” means a judgment of the Court given in exercise of any jurisdiction conferred upon it by any law for the time being in force in St. Helena and includes a decree, order, ruling, sentence or decision of the Court;

“record” means the aggregate of papers relating to an appeal (including pleadings, proceedings, evidence and judgments) proper to be laid before Her Majesty in Council on the hearing of an appeal;

“St. Helena” means the Colony of St. Helena and its Dependencies.

(2) The Interpretation Act 1889(c) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting, and in relation to, Acts of Parliament.

Right of Appeal.

**3.** Subject to the provisions of this Order, an appeal shall lie—

(a) as of right from any final judgment, where the matter in dispute on the appeal amounts to or is of the value of five hundred

pounds sterling or upwards, or where the appeal involves directly or indirectly some claim or question to or respecting property or some civil right amounting to or of the said value or upwards ; and

(b) at the discretion of the Court, from any other judgment, whether final or interlocutory, if, in the opinion of the Court, the question involved in the appeal is one which, by reason of its great or general importance or otherwise, ought to be submitted to Her Majesty in Council for decision.

4. Application to the Court for leave to appeal shall be made by motion or petition within twenty-one days of the date of the judgment to be appealed from, and the applicant shall give all other parties concerned notice of his intended application. Application for leave to appeal.

5. Leave to appeal under section 3 of this Order shall, in the first instance, be granted by the Court only— Conditional leave to appeal.

(a) upon condition of the appellant, within a period to be fixed by the Court but not exceeding ninety days from the date of the hearing of the application for leave to appeal, entering into good and sufficient security to the satisfaction of the Court in a sum not exceeding five hundred pounds sterling for the due prosecution of the appeal and the payment of all such costs as may become payable by the applicant in the event of his not obtaining an order granting him final leave to appeal, or of the appeal being dismissed for non-prosecution, or of the Judicial Committee ordering the appellant to pay costs of the appeal (as the case may be); and

(b) upon such other conditions (if any) as to the time or times within which the appellant shall take the necessary steps for the purposes of procuring the preparation of the record and the dispatch thereof to England as the Court, having regard to all the circumstances of the case, may think it reasonable to impose.

6. All or any of the powers and functions of the Court under this Order, except the exercise of the discretion conferred by section 3 (b) of this Order, may be exercised by any judge of the Court: Power of a single judge.

Provided that any order, directions or decision made or given in pursuance of this section may be varied, discharged or reversed by the Court when consisting of three judges which may include the judge who made or gave the order, directions or decision.

7. Where the judgment appealed from requires the appellant to pay money or do any act, the Court shall have power, when granting leave to appeal, either to direct that the said judgment shall be carried into execution or that the execution thereof shall be suspended pending the appeal, as to the Court shall seem just, and in case the Court shall direct the said judgment to be carried into execution, the person in whose favour it was given shall, before the execution thereof, enter into good and sufficient security, to the satisfaction of the Court, for the due performance of such Order as Her Majesty in Council shall think fit to make thereon. Stay of execution.

8. For the purposes of sections 5 and 7 of this Order, a person may provide security in any manner that the Court may approve in his case, and for the avoidance of doubts it is declared that such security may with the approval of the Court consist in whole or in part of a deposit of money. Manner of providing security.

Preparation  
of record.

9.—(1) The preparation of the record shall be subject to the supervision of the Court, and the parties may submit any disputed question arising in connection therewith to the decision of the Court, and the Court shall give such directions thereon as the justice of the case may require.

(2) The Registrar, as well as the parties and their legal agents, shall endeavour to exclude from the record all documents (more particularly such as are merely formal) that are not relevant to the subject matter of the appeal and, generally, to reduce the bulk of the record as far as practicable, taking special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be copied or printed shall be enumerated in a list to be placed after the index or at the end of the record.

(3) Where in the course of the preparation of a record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant and the other party nevertheless insists upon its being included, the record, as finally printed shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate in the index of papers or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

(4) The reasons given by Judges of the Court for or against any judgment pronounced in the course of the proceedings out of which the appeal arises shall be communicated by them in writing to the Registrar, and shall be included in the record.

Printing of  
the record.

10.—(1) The record may be printed in St. Helena or may be printed in England if the parties agree to its being printed but in the absence of such agreement shall be duplicated by process approved by the Registrar of the Privy Council. If the record is to be printed it shall be printed in accordance with the Rules set forth in the Schedule to this Order.

(2) Where the record is printed in St. Helena the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council forty copies of such record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal of the Court.

(3) Where the record is to be printed or duplicated in England, the Registrar shall, at the expense of the appellant, transmit to the Registrar of the Privy Council one certified copy of such record, together with an index of all the papers and exhibits in the case. No other certified copies of the record shall be transmitted to the agents in England by or on behalf of the parties to the appeal.

(4) Where part of the record is printed in St. Helena and part is to be printed or duplicated in England, subsections (2) and (3) of this section shall, as far as possible, apply to such parts as are printed in St. Helena and such as are to be printed or duplicated in England respectively.

Consolidation  
of  
appeals.

11. Where there are two or more applications for leave to appeal arising out of the same matter, and the Court is of opinion that it would be for the convenience of the Lords of the Judicial Committee and all parties concerned that the appeals should be consolidated, the Court may direct the appeals to be consolidated and grant leave to appeal by a single order.

12. Where an appellant, having obtained an order granting him conditional leave to appeal, and having complied with the conditions imposed on him by such order, fails thereafter to apply with due diligence to the Court for an order granting him final leave to appeal, the Court may, on an application in that behalf made by the respondent rescind the order granting conditional leave to appeal, notwithstanding the appellant's compliance with the conditions imposed by such an order, and may give such directions as to the costs of the appeal and security entered into by the appellant as the Court shall think fit, or make such further or other order in the premises, as, in the opinion of the Court, the justice of the case requires.

Failure to prosecute appeal.

13.—(1) On an application for final leave to appeal, the Court may enquire whether notice or sufficient notice of the application has been given by the appellant to parties concerned and, if not satisfied as to the notices given, may defer the granting of the final leave to appeal, or may give such other directions in the matter as, in the opinion of the Court, the justice of the case requires.

Notice to other parties.

(2) The Registrar shall, with all convenient speed, transmit to the Registrar of the Privy Council a certificate to the effect that the respondent has received notice, or is otherwise aware, of the Order of the Court granting final leave to appeal and of the transmission of the record to England.

14. An appellant who has obtained final leave to appeal shall prosecute his appeal in accordance with the Rules for the time being regulating the general practice and procedure in appeals to Her Majesty in Council.

Prosecution of appeal.

15.—(1) An appellant who has obtained an order granting him conditional leave to appeal may at any time prior to the making of an order granting him final leave to appeal withdraw his appeal on such terms as to costs and otherwise as the Court may direct.

Withdrawal of appeal.

(2) Where an appellant, having obtained final leave to appeal, desires to withdraw his appeal, the Court may, upon an application in that behalf made by the appellant, grant him a certificate to the effect that the appeal has been withdrawn, and the appeal shall thereupon be deemed, as from the date of such certificate, to stand dismissed without express Order of Her Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

16. Where an appellant, having obtained final leave to appeal, fails to show due diligence in taking all necessary steps for the purpose of procuring the dispatch of the record to England, any respondent may, after giving the appellant due notice of his intended application, apply to the Court for a certificate that the appeal has not been effectually prosecuted by the appellant, and if the Court sees fit to grant such a certificate the appeal shall be deemed, as from the date of such certificate, to stand dismissed for non-prosecution without express Order of Her Majesty in Council, and the costs of the appeal and the security entered into by the appellant shall be dealt with in such manner as the Court may think fit to direct.

Dismissal for non-prosecution.

17.—(1) Where at any time between the order granting final leave to appeal and the dispatch of the record to England, the record

Substituting parties.



becomes defective by reason of the death or change of status of a party to the appeal, the Court may, notwithstanding the order granting final leave to appeal, on an application in that behalf made by any person interested, grant a certificate showing who, in the opinion of the Court, is the proper person to be substituted or entered on the record in place of or in addition to the party who has died or undergone a change of status, and the name of such person shall thereupon be deemed to be so substituted or entered on the record as aforesaid without express Order of Her Majesty in Council.

(2) Where the record subsequently to its dispatch to England becomes defective by reason of the death or change of status of a party to the appeal, the Court shall, upon an application in that behalf made by any person interested, cause a certificate to be transmitted to the Registrar of the Privy Council showing who, in the opinion of the Court, is the proper person to be substituted, or entered on the record, in place of, or in addition to, the party who has died or undergone a change of status.

Printing of case.

18. The case of each party to the appeal may be printed in St. Helena or printed or duplicated in England and shall, in either event, be printed in accordance with the Rules set forth in the Schedule to this Order, and shall be signed by at least one of the counsel who attends at the hearing of the appeal, or by the party himself if he conducts his appeal in person.

Form of case.

19. The case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the appeal arises, the contentions to be urged by the party lodging the case, and the reasons of appeal. Reference by page and line to the relevant portions of the record as printed shall, as far as practicable, be printed in the margin, and care should be taken to avoid, as far as possible, the reprinting in the case of long extracts from the record. The taxing officer, in taxing the costs of the appeal shall, either of his own motion or at the instance of any party, inquire into any unnecessary prolixity in the case, and shall disallow the costs occasioned thereby.

Costs in St. Helena.

20. Where the Judicial Committee directs a party to bear the costs of an appeal incurred in St. Helena, such costs shall be taxed by the proper officer of the Court in accordance with the rules for the time being regulating taxation in the Court.

Enforcing judgment.

21. Any Order which Her Majesty in Council may think fit to make on an appeal from a judgment of the Court may be enforced in like manner as any judgment of the Court should or might have been executed.

Pending proceedings.

22.—(1) In respect of any judgment of the Court of Appeal for Eastern Africa established under the Constitution of the East African Common Services Organization given before the commencement of this Order, an appeal may be commenced, continued and concluded or continued and concluded, as the case may be, in accordance with the provisions of this Order as nearly as may be as if it were an appeal from a judgment of the Court.

(2) Any Order that Her Majesty in Council may see fit to make on any such appeal or any Order on an appeal from the Court of Appeal for Eastern Africa made by Her Majesty before the commence-

ment of this Order, but not enforced before such commencement, may be enforced as if it were an Order made on an appeal from a judgment of the Court.

23. Nothing in this Order contained shall be deemed to interfere with the right of Her Majesty upon the humble petition of any person aggrieved by any judgment of the Court, to admit his appeal therefrom upon such conditions as Her Majesty in Council shall think fit to impose. Special leave to appeal.

*W. G. Agnew.*

#### THE SCHEDULE

I. Records and cases in appeals to Her Majesty in Council shall be printed in the form known as demy quarto. Sections 10 (1) and 18.

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and  $8\frac{1}{2}$  inches in width.

III. The type to be used in the text shall be pica type, but long primer shall be used in printing accounts, tabular matter and notes.

IV. The number of lines in each page of pica type shall be 47 or thereabouts, and every tenth line shall be numbered in the margin.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order regulates appeals from judgments of the St. Helena Court of Appeal to Her Majesty in Council, by prescribing the conditions under which such appeals may be brought and the procedure which must be followed.

1964 No. 1847

## MERCHANT SHIPPING

**The Shipping Contracts and Commercial Documents  
(Hong Kong) Order 1964**

*Made - - - - 20th November 1964*

*Coming into Operation 21st November 1964*

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 4 of the Shipping Contracts and Commercial Documents Act 1964(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation,  
commence-  
ment and  
interpreta-  
tion.

1.—(1) This Order may be cited as the Shipping Contracts and Commercial Documents (Hong Kong) Order 1964 and shall come into operation on 21st November 1964.

(2) The Interpretation Act 1889(b) shall apply, with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to Acts of Parliament of the United Kingdom.

1964 Act  
extended to  
Hong Kong.

2. The Shipping Contracts and Commercial Documents Act 1964 shall extend to Hong Kong with the exceptions, adaptations and modifications specified in the Schedule to this Order.

*W. G. Agnew.*

Section 2.

## THE SCHEDULE

1. In section 1—

(a) for the words “Minister of Transport” or “Minister” wherever they occur there shall be substituted the words “Governor of Hong Kong”;

(b) for the words “the United Kingdom” wherever they occur, except in the expression “jurisdiction which, under international law, belongs to the United Kingdom” or the expression “jurisdiction of the United Kingdom”, there shall be substituted the words “Hong Kong”;

(c) there shall be omitted from subsection (3) all the words after the words “a subsequent Order”.

2. In section 2—

(a) for the words “any Minister of the Crown authorised to act under this section” or “the Minister” there shall be substituted the words “the Governor of Hong Kong”;

- 
- (b) for the words "the United Kingdom" wherever they occur, except in the expression "jurisdiction which, under international law, belongs to the United Kingdom", there shall be substituted the words "Hong Kong";
- (c) subsection (2) shall be omitted.
3. In section 3—
- (a) for the figure "£1,000" there shall be substituted the words "sixteen thousand dollars";
- (b) for subsection (2) there shall be substituted the following subsection:—
- "(2) No proceedings for an offence punishable under this section shall be instituted except with the consent of the Attorney-General of Hong Kong.";
- (c) subsection (3) shall be omitted.
- 

#### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order extends to Hong Kong the provisions of the Shipping Contracts and Commercial Documents Act 1964 subject to the modifications specified in the Order.

1964 No. 1848

**SOLICITORS****The Overseas Solicitors (Admission) Order 1964***Made - - - - 20th November 1964*

At the Court at Buckingham Palace, the 20th day of November. 1964

**Present,****The Queen's Most Excellent Majesty in Council**

Whereas Her Majesty, on the report of a Secretary of State is satisfied as respects the Superior Courts in the territories specified in Schedule 1 to this Order—

- (a) That the regulations respecting the admission of solicitors of those courts are such as to secure that those solicitors possess proper qualifications and competency;
- (b) that by the law of the territories specified in the said Schedule 1, solicitors of the Supreme Court in England will be admitted as solicitors of the Superior Courts in those territories on terms as favourable as those on which it is proposed to admit solicitors of the Superior Courts of those territories as solicitors of the Supreme Court in England in pursuance of subsection (1) of section 4 of the Solicitors Act 1957(a); and
- (c) that by the law of the territories specified in the said Schedule 1, other than of West Australia and West Bengal, solicitors in Scotland will be admitted as solicitors of the Superior Courts of those territories on terms as favourable as those on which it is proposed to admit solicitors of the Superior Courts in those territories to be solicitors in Scotland in pursuance of the Colonial Solicitors Act 1900(b).

Now therefore, Her Majesty, in pursuance of the powers conferred on Her by section 4 of the Solicitors Act 1957 as regards England and by sections 2 and 6 of the Colonial Solicitors Act 1900 as regards Scotland and of all other powers thereunto Her enabling, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Overseas Solicitors (Admission) Order 1964.

(2) The Interpretation Act 1889(c) shall apply with the necessary adaptations, for the purpose of interpreting this Order and otherwise in relation thereto as it applies for the purpose of interpreting and in relation to Acts of Parliament.

2. Subsection (1) of section 4 of the Solicitors Act 1957 as respects England shall apply to the Superior Courts and territories specified in Schedule 1 to this Order and the Colonial Solicitors Act 1900 as respects Scotland shall apply to the Superior Courts and territories specified in the

(a) 5 &amp; 6 Eliz. 2. c. 27.

(b) 63 &amp; 64 Vict. c. 14.

(c) 52 &amp; 53 Vict. c. 63.



- (vii) an applicant for admission in England who is a solicitor of any of the Courts specified in Part II of Schedule 1 to this Order shall in addition pass the accounts paper in Part II of the Law Society's qualifying examination, and an applicant for admission in England who is a solicitor of any of the Courts specified in Part III of Schedule 1 to this Order shall in addition pass Part II of the Law Society's qualifying examination ;
- (viii) an applicant for admission in England shall comply in other respects with the provisions of section 4 of the Solicitors Act 1957 ;
- (ix) an applicant for admission in Scotland shall comply in other respects with the provisions of the Colonial Solicitors Act 1900.

4. On the Master of the Rolls being satisfied by a certificate issued by the Law Society that an applicant for admission in England has complied with the provisions of section 4 of the Solicitors Act 1957 and of this Order, the Master of the Rolls shall cause him to be admitted a solicitor in England and his name to be enrolled on the Roll of Solicitors.

5. On the Court of Session being satisfied that the applicant for admission in Scotland has complied with the provisions of the Colonial Solicitors Act 1900 and of this Order, the Court shall ordain him to undergo the examinations in law prescribed for the time being for applicants for admission as solicitors in Scotland, and on the Court being satisfied that the applicant has duly passed such examinations then and not otherwise the Court shall cause him to be admitted a solicitor and his name to be enrolled as such. The rules in force in Scotland for the time being as to the presentation of Petitions for admission as solicitor and the proceedings under the rules, shall be applicable to all applications under this Order for admission as a solicitor in Scotland.

6. Notice of intention to apply for admission within the meaning of the Acts regulating the admission of solicitors in England or, as the case may be, in Scotland, shall be deemed to have been given upon the documents mentioned in article 3 of this Order being left with the Law Society or the said Registrar.

7. The Orders in Council specified in Part I of Schedule 3 to this Order are hereby revoked provided that the revocation of the Orders in Council relating to South Africa shall not affect their continuance in force for the purpose of paragraph 5 of Schedule 3 to the South Africa Act 1962(a). The Orders in Council specified in Part II of the said Schedule 3 are hereby revoked except so far as the same relate to Northern Ireland.

*W. G. Agnew.*

## SCHEDULE 1

### PART I

<i>Court</i>	<i>Territory</i>
Superior Court ... ..	Barbados.
Supreme Court ... ..	British Guiana.
Supreme Court ... ..	Grenada.
Supreme Court ... ..	Hong Kong.
Supreme Court ... ..	Jamaica.
Supreme Court ... ..	Trinidad and Tobago.

## PART II

<i>Court</i>	<i>Territory</i>
Supreme Court ... ..	New South Wales.
Supreme Court ... ..	Queensland.
Supreme Court ... ..	South Australia.
Supreme Court ... ..	Tasmania.
Supreme Court ... ..	Victoria.
Supreme Court ... ..	Western Australia.
Supreme Court ... ..	New Zealand.
Supreme Court ... ..	Ceylon.
Supreme Court ... ..	Ontario.
Supreme Court ... ..	Alberta.
High Court ... ..	Bombay.
High Court ... ..	West Bengal.

## PART III

Supreme Court ... ..	British Columbia.
Court of Queen's Bench and Court of Appeal.	Manitoba.
Superior Court ... ..	Saskatchewan.
High Court ... ..	Malawi.
High Court ... ..	Southern Rhodesia.

## SCHEDULE 2

In the matter of \* Section 4 of the Solicitors Act 1957.  
the Colonial Solicitors Act 1900.

In the matter of

I, \_\_\_\_\_, do solemnly and sincerely declare as follows:—

(1) I am a citizen of \_\_\_\_\_

(2) I was on the \_\_\_\_\_ day of \_\_\_\_\_ admitted to practise as a \_\_\_\_\_ of the Court of \_\_\_\_\_ and I have

\* been in practice before that Court for not less than three years. \*I was articled served bona fide as a clerk to a solicitor in England.

for not less than \_\_\_\_\_. My name remains on the Roll of the said Court, and I have not at any time been suspended from practice by the Court or by any Judge thereof, nor are any proceedings pending to strike my name off the said Roll or to suspend me from practice and no charge is pending against me for professional or other misconduct. I beg to refer to the certificate of \_\_\_\_\_ marked "A" now produced by me in proof of the statements in this paragraph.

(3) I have not been bankrupt or insolvent nor have I made a composition or arrangement with my creditors. (If this is not the case, state the facts with dates, and show that a complete discharge has been obtained.)

(4) The document now produced and shown to me and marked "B" is my original certificate of admission in the said Court, and the documents now produced and shown to me and marked respectively "C" and "D" are respectively certificates of character and as to my fitness to be admitted a solicitor \* of the Supreme Court of England \_\_\_\_\_ one of the Judges/ \_\_\_\_\_ in Scotland \_\_\_\_\_ signed respectively by \_\_\_\_\_ President/Secretary/ Officers of the said Court \_\_\_\_\_ and by \_\_\_\_\_ Officer of the Law Society/professional association in the said territory \_\_\_\_\_ and by \_\_\_\_\_ and \_\_\_\_\_ two practising solicitors of the said Court of at least five years' standing.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835(a).

(To be signed and attested)

\* Strike out the inappropriate words.

(a) 5 & 6 Will. 4. c. 62.



## SCHEDULE 3

## ORDERS IN COUNCIL REVOKED

## PART I

<i>Date or title of Order in Council</i>	<i>Territory</i>	<i>Number</i>
9th November 1934 ...	New South Wales	... S.R. & O. 1934/1184 (Rev. XXI, p. 264: 1934, p. 562)
7th March 1904 ...	New Zealand ...	... S.R. & O. 1904/320 (Rev. XXI, p. 267: 1904, p. 635)
7th August 1905 ...	Bengal Presidency	... S.R. & O. 1905/934 (1905, p. 459)
21st December 1928 ...	Ontario ...	... S.R. & O. 1928/1067 (Rev. XXI, p. 274: 1928, p. 1184)
14th January 1919 ...	South Africa ...	... S.R. & O. 1919/67 (Rev. XXI, p. 285: 1919, p. 462)
16th April 1923 ...	South Africa ...	... S.R. & O. 1923/480 (Rev. XXI, p. 290: 1923, p. 983)
6th May 1938 ...	South Africa ...	... S.R. & O. 1938/495 (Rev. XXI, p. 321: 1938, p. 3183)
10th August 1903 ...	South Australia ...	... S.R. & O. 1903/677 (Rev. XXI, p. 294: 1903, p. 1320)
3rd October 1935 ...	Manitoba ...	... S.R. & O. 1935/994 (Rev. XXI, p. 315: 1935, p. 1612)
27th October 1939 ...	Northern Rhodesia	... S.R. & O. 1939/1531 (Rev. XXI, p. 318: 1939, p. 3094)
The Solicitors (Western Australia) Order 1950		S.I. 1950/836 (1950 II, p. 863)
The Nyasaland Protectorate (Legal Practitioners) Order in Council 1960 ...		S.I. 1960/2211 (1960 III, p. 3095)

## PART II

24th April 1902 ...	Barbados ...	... S.R. & O. 1902/356 (Rev. XXI, p. 234: 1902, p. 445)
12th February 1931 ...	British Columbia ...	... S.R. & O. 1931/111 (Rev. XXI, p. 239: 1931, p. 1219)
10th August 1921 ...	British Guiana ...	... S.R. & O. 1921/1403 (Rev. XXI, p. 243: 1921, p. 1237)
4th November 1901 ...	Ceylon ...	... S.R. & O. 1901/892 (Rev. XXI, p. 247: 1901, p. 401)
23rd October 1918 ...	Grenada ...	... S.R. & O. 1918/1418 (Rev. XXI, p. 250: 1918, p. 845)
4th November 1901 ...	Hong Kong ...	... S.R. & O. 1901/893 (Rev. XXI, p. 254: 1901, p. 406)
16th May 1904 ...	Jamaica ...	... S.R. & O. 1904/970 (Rev. XXI, p. 257: 1904, p. 630)
24th October 1904 ...	Madras Presidency	... S.R. & O. 1904/1661 (1904, p. 625)
27th March 1905 ...	Bombay Presidency	... S.R. & O. 1905/352 (1905, p. 463)
26th September 1901 ...	New South Wales	... S.R. & O. 1901/800 (Rev. XXI, p. 261: 1901, p. 416)
21st April 1904 ...	New Zealand ...	... S.R. & O. 1904/662 (Rev. XXI, p. 270: 1904, p. 638)
4th November 1901 ...	Queensland ...	... S.R. & O. 1901/895 (Rev. XXI, p. 277: 1901, p. 420)
14th July 1921 ...	Saskatchewan ...	... S.R. & O. 1921/1215 (Rev. XXI, p. 281: 1921, p. 1231)

<i>Date or title of Order in Council</i>	<i>Territory</i>	<i>Number</i>
4th November 1901	... South Australia ...	... S.R. & O. 1901/896 (Rev. XXI, p. 291: 1901, p. 425)
23rd May 1916 ...	... Southern Rhodesia ...	... S.R. & O. 1916/386 (Rev. XXI, p. 297: 1916, p. 95)
4th November 1901	... Straits Settlements ...	... S.R. & O. 1901/897 (Rev. XXI, p. 301: 1901, p. 429)
12th March 1903 ...	... Tasmania ...	... S.R. & O. 1903/218 (Rev. XXI, p. 305: 1903, p. 1316)
10th August 1914	... Trinidad and Tobago ...	... S.R. & O. 1914/1272 (Rev. XXI, p. 307: 1914, p. 239)
7th August 1905 ...	... Victoria ...	... S.R. & O. 1905/935 (Rev. XXI, p. 311: 1905, p. 468)

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The purpose of this Order is to make provision for the admission as solicitors in England or as solicitors in Scotland of solicitors of the Courts in certain Commonwealth countries who satisfy conditions specified in the Order.

1964 No. 1849

MINISTERS OF THE CROWN

**The Minister of Overseas Development (No. 1) Order 1964**

*Made* - - - - 20th November 1964

*Laid before Parliament* 26th November 1964

*Coming into Operation* 27th November 1964

At the Court at Buckingham Palace, the 20th day of November 1964

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946(a) is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Citation, Interpretation and Commencement*

1.—(1) This Order may be cited as the Minister of Overseas Development (No. 1) Order 1964.

(2) The Interpretation Act 1889(b) applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(3) This Order shall come into operation on 27th November 1964.

*Transfer of functions from Secretary for Technical Co-operation*

2.—(1) There are hereby transferred to the Minister of Overseas Development the functions of the Secretary for Technical Co-operation hereinafter mentioned, that is to say—

(a) all functions under section 3 of the Pensions (Increase) Act 1962(c) (supplements in respect of certain colonial and other pensions) and the Overseas Service (Pension Supplement) Regulations 1963(d) made under that section;

(b) those functions under the Overseas Service Act 1958(e) and the Overseas Service Act 1961(f) which, by virtue of the Department of Technical Co-operation Order 1961(g), became exercisable by the Secretary for Technical Co-operation concurrently with the Secretary of State.

(2) Accordingly any reference to the Secretary for Technical Co-operation in the enactment and regulations mentioned in paragraph (1)(a) of this Article shall be construed as a reference to the Minister of Overseas Development; and any reference to the Secretary of State which, by virtue of the said Order of 1961 so far as it relates to the functions described in paragraph (1)(b) of this Article, is to be construed as including a reference to the Secretary for Technical Co-operation shall instead be construed as including a reference to the Minister of Overseas Development.

(a) 9 & 10 Geo. 6. c. 31.

(b) 52 & 53 Vict. c. 63.

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

(d) S.I. 1963/598 (1963 I, p. 688).

(e) 6 & 7 Eliz. 2. c. 14.

(f) 9 & 10 Eliz. 2. c. 10.

(g) S.I. 1961/1501 (1961 II, p. 3053).

*Supplemental*

3.—(1) With the functions hereby transferred, there are also hereby transferred to the Minister of Overseas Development all rights and obligations to which the Secretary for Technical Co-operation was entitled or subject immediately before the coming into operation of this Order, being rights or obligations belonging to or incurred by him in connection with those functions.

(2) This Order shall not affect the validity of anything done by or in relation to the Secretary for Technical Co-operation before the coming into operation of this Order; and anything which, before the coming into operation of this Order, has been commenced by or under the authority of the Secretary for Technical Co-operation in the exercise of any functions transferred by this Order may be carried on and completed by or under the authority of the Minister of Overseas Development.

*W. G. Agnew.*

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order in Council, made under section 1 of the Ministers of the Crown (Transfer of Functions) Act 1946, transfers to the Minister of Overseas Development the functions of the Secretary for Technical Co-operation under section 3 of the Pensions (Increase) Act 1962 and the Regulations made under that section, and also those functions of the Secretary for Technical Co-operation under the Overseas Service Acts for 1958 and 1961 which, by virtue of the Department of Technical Co-operation Order 1961, have hitherto been exercisable by him concurrently with the Secretary of State.

**1964 No. 1851**

**NURSES AND MIDWIVES**

**The Enrolled Nurses (Amendment) Rules, Approval Instrument 1964**

<i>Made</i> - - - -	20th November 1964
<i>Laid before Parliament</i>	27th November 1964
<i>Coming into Operation</i>	30th November 1964

Whereas the General Nursing Council for England and Wales have, in pursuance of their powers under sections 2, 3, 10 and 30 of the Nurses Act 1957(a) and section 1 of the Nurses Act 1964(b), made rules amending the Enrolled Nurses Rules 1961(c) and have submitted them to the Minister of Health for his approval:

Now, therefore, the Minister of Health, in exercise of the powers conferred on him by section 32 of the Nurses Act 1957 and all other powers enabling him in that behalf, hereby approves the said rules in the form set out in the schedule hereto.

This instrument may be cited as the Enrolled Nurses (Amendment) Rules, Approval Instrument 1964 and shall come into operation on 30th November 1964.

**SCHEDULE**

**THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES**

*The Nurses Acts 1957, 1961 and 1964*

The General Nursing Council for England and Wales in exercise of the powers conferred on them by sections 2, 3, 10 and 30 of the Nurses Act 1957 and section 1 of the Nurses Act 1964 hereby make the following Rules:—

1. These Rules may be cited as the Enrolled Nurses (Amendment) Rules 1964.
2. The Interpretation Act 1889(d) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.
3. The Enrolled Nurses Rules 1961 shall be amended as follows:—
  - (a) In rule 2(1)—

For the definition of "Preliminary Training School" there shall be substituted the following definition:—

"preliminary training" means preliminary instruction in the theory and practice of nursing given to pupil nurses prior to the commencement of their training in wards and "preliminary training school" means the department of an approved Training Institution in which preliminary training is given.

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

(c) Scheduled to S.I. 1961/1519 (1961 II, p.3105).

(b) 1964 c. 44.

(d) 52 & 53 Vict. c. 63.

After the definition of "pupil nurse" there shall be added the following definition:—

"registered mental nurse" means a nurse who is registered in the part of the Register containing the names of nurses trained in the nursing and care of persons suffering from mental disorder.

In the definition of "training" for the words "the syllabus" there shall be substituted the words "a syllabus" and after the words "contained in" there shall be added the words "Part I, Part II or Part III of".

After the definition of "training" there shall be added the following definition:—

"training for the Register" means training for admission to the Register in a Training Institution approved by the Council under rule 8 of the Nurses Rules 1961(a) and any reference to training for a particular part of the Register is a reference to training in accordance with the syllabus of training prescribed in Schedule 3 to those rules for the examinations qualifying a person to be admitted to that part of the Register".

(b) At the end of rule 4 there shall be added the following paragraph:—

"(4) an enrolled nurse shall notify the Registrar of a change of her surname whether occasioned by marriage or otherwise."

(c) In rule 5 for the words "of three guineas" there shall be substituted the words "in respect of her application for enrolment due under the provisions of section 3(3) of the Act of 1957".

(d) In rule 9(2) for the words "her full name" to the end of the paragraph there shall be substituted the words "or in the case of a person who is entitled under these Rules to enter for an examination held under rule 10 of these Rules by virtue of her training for the Register before her name is entered for that examination, the following particulars: her full name, evidence of age, educational qualifications, the date of commencement of training or particulars of her training for the Register as appropriate and any other particulars which the Council may reasonably require."

(e) For rules 10, 11 and 12 there shall be substituted the following rules:—

"10.—(1) The Council shall hold examinations at such times and subject to such conditions as they may from time to time determine.

(2) An examination held under this rule shall be based on the subjects prescribed in a syllabus contained in Part I, Part II, or Part III of the 2nd Schedule to these rules:

Provided that in the case of male pupils, the examination shall not extend to the subject indicated in section IV of the syllabus contained in Part III of the schedule as not applicable to the training of male pupil nurses.

(3) The examination shall consist of a simple written test together with a test of practical efficiency and shall be held in an approved Training Institution.

(4) The entrance fee for the examination shall be payable before the applicant's name is entered for the examination.

11.—(1) Subject to the following provisions of this rule, a person may enter for an examination held under rule 10 of these Rules if:—

(a) she is of good character and her conduct has been satisfactory during the period of training; and

(b) she has completed the training prescribed for pupil nurses in rule 11A of these Rules or, being a person whose name is not included in the Register, has completed the training prescribed for a person who has undergone a period of training for the Register in rule 12 of these Rules.

(2) A person shall be deemed to have completed any prescribed training entitling her to enter for an examination if she is due to complete that training by the last day of the month in which the examination is held.

(3) A person shall not be entitled to enter for the examination by virtue of the training prescribed in sub-paragraphs (a) and (b) of rule 12(2) and (3) of these Rules unless she has passed the preliminary examination held under rule 10 of the Nurses Rules 1961 or an examination acceptable to the Council in lieu of the preliminary examination.

(4) Before entering for an examination a person shall deposit with the Registrar a certificate signed by the Matron or other responsible officer of the approved Training Institution or Institutions in which the prescribed training was undergone certifying that the requirements specified in paragraph 1(a) and (b) of this rule have been fulfilled.

11A.—(1) The training required under rule 11(1)(b) to enable a pupil nurse to enter for an examination held under rule 10 of these Rules shall be a course of training—

(a) of not less than 1 year's duration in the case of a candidate for an examination based on Part III of the 2nd Schedule to these Rules ; and

(b) of not less than 18 months' duration in the case of a candidate for an examination based on Parts I or II of that schedule.

(2) Such a course of training shall include—

(a) a period of not less than 4 consecutive weeks' preliminary training in a Preliminary Training School and

(b) instruction in each of the subjects included in the syllabus on which the examination is based.

(3) For the purposes of this rule training in relation to an examination means training in accordance with the syllabus on which that examination is based.

12.—(1) The training required under rule 11(1)(b) to enable a person who has undergone a period of training for the Register to enter for an examination held under rule 10 of these Rules shall be the training specified in paragraph (2) or paragraph (3) of this rule in relation to the examination for which she is entering.

(2) The training for an examination based on the syllabus contained in Part I or Part III of the 2nd Schedule to these Rules shall be—

(a) not less than 2 years' training for any part of the Register other than the part for registered mental nurses ; or

(b) not less than 2 years' training for the part of the Register for registered mental nurses and a course of not less than 6 months' training for the Roll in general nursing ; or

(c) not less than 1 year's training for the part of the Register for registered mental nurses and a course of not less than 1 year's training for the Roll in general nursing ; or

(d) not less than 1 year's training for any part of the Register other than the part for registered mental nurses and a course of not less than 1 year's training for the Roll in general nursing.

(3) The training for an examination based on the syllabus contained in Part II of the 2nd Schedule to these Rules shall be—

(a) not less than 2 years' training for the part of the Register for registered mental nurses ; or

(b) not less than 2 years' training for a part of the Register other than the part for registered mental nurses and a course of not less than 6 months' training for the Roll in the nursing of the mentally disordered ; or

(c) not less than 1 year's training for a part of the Register other than the part for registered mental nurses and a course of not less than

1 year's training for the Roll in the nursing of the mentally disordered; or

(d) not less than 1 year's training for the part of the Register for registered mental nurses and a course of not less than 1 year's training for the Roll in the nursing of the mentally disordered.

(4) For the purposes of this rule training for the Roll in general nursing means training in accordance with the syllabus contained in Part I or Part III of the 2nd Schedule to these Rules and training for the Roll in the nursing of the mentally disordered means training in accordance with the syllabus contained in Part II of that schedule."

(f) In rule 13 the words "or to acquire experience under supervision" shall be omitted.

(g) For rule 14 there shall be substituted the following rule:—

14.—(1) A person who has qualified under rule 11A of these Rules to enter for an examination shall be entitled to be admitted to the Roll if—

(a) she is of good character and her conduct has been satisfactory during the period of training or experience under supervision as the case may be; and

(b) she has passed an examination held under rule 10 of these Rules; and

(c) in the case of a person who has passed an examination based on the syllabus contained in Part I or Part III of the 2nd Schedule to these Rules, she has when a pupil nurse or a student nurse acquired experience in general medical and surgical nursing, geriatric nursing and the nursing of sick children; and

(d) in the case of a person who has passed an examination based on the syllabus contained in Part II of the 2nd Schedule to these Rules she has when a pupil nurse or a student nurse acquired experience—

(i) in the nursing of patients suffering from mental illness, including short stay and long stay patients and disturbed and physically sick patients or

(ii) in the nursing of mentally subnormal patients including children, adolescents, and adults and those who are physically handicapped, and in the education and training of these patients; and

(e) in the case of a person who has passed an examination based on the syllabus contained in Part I or Part II of the 2nd Schedule to these Rules she has completed 2 years' training; and

(f) in the case of a person who has passed an examination based on the syllabus contained in Part III of the 2nd Schedule to these Rules she has since the completion of training entitling her to enter for the examination acquired experience under supervision for a period of at least 1 year.

(2) A person who has qualified under rule 12 of these Rules to enter for an examination shall be entitled to be admitted to the Roll if she has fulfilled the requirements specified in sub-paragraphs (a), (b), (c) and (d) of the last preceding paragraph.

(3) A person shall at the time of making her application for admission to the Roll deposit with the Registrar a certificate signed by the Matron or other responsible officer of a Training Institution certifying that she has fulfilled the requirements of this rule entitling her to be admitted to the Roll.

(h) For rule 15 there shall be substituted the following rule:—

"15. Every pupil nurse shall after she has passed the examination and before she is enrolled be known as a senior pupil nurse."

(i) After rule 16 there shall be added the following headings and rules:—



*“ Conditions of Admission by Practice, Knowledge and Experience of Nursing of Persons suffering from Mental Disorder*

16A. A person shall be entitled to be admitted to the Roll on proving to the satisfaction of the Council—

- (a) that she is of good character ;
- (b) that she is over the age of 20 ;
- (c) that she has before 1st December 1967 and after attaining the age of 18 years been bona fide engaged in practice as a nurse in attendance on persons suffering from mental disorder for the periods and under the conditions specified in the next following rule ; and
- (d) that she has such knowledge and experience of nursing as to justify her admission to the Roll.

16B.—(1) Subject to the next following rule, the periods of practice, and the conditions of practice for the purposes of rule 16A(c) shall be:—

- (a) not less than 2 years' whole-time practice under the supervision of a registered mental nurse carried out in a hospital, mental nursing home or other institution acceptable to the Council ; or
- (b) not less than 5 years' whole-time practice under the supervision of a registered mental nurse.

(2) For the purposes of this rule, a person shall be deemed to have carried out a period of whole-time practice required under paragraph (1) of this rule if she has carried out periods of practice, whether whole-time or part-time, which in the aggregate amount to the required period of whole-time practice.

16C. A person who on the date of making application for admission to the Roll is engaged in nursing but who has failed by 1st December 1967 to complete a period of practice prescribed in rule 16B(1) may nevertheless be enrolled if—

- (a) she has carried out since 1st December 1962 a period of practice under the conditions specified in paragraph (a) of that rule ; or since 1st December 1960 a period of practice under the conditions specified in paragraph (b) of that rule ; and
- (b) the length of time by which she has failed to complete a prescribed period of practice is so short as in the view of the Council not materially to affect her fitness for enrolment.

*Conditions of Admission by Knowledge and Experience acquired either before 17th March 1943 or before 1st January 1949*

16D. A person shall be entitled to be admitted to the Roll on proving to the satisfaction of the Council—

- (a) that she is of good character ;
- (b) that she is engaged in nursing ; and
- (c) that she has since attaining the age of 17½ years acquired knowledge and experience of nursing in the manner specified in the next following rule.

16E. The knowledge and experience of nursing entitling a person to be enrolled under rule 16D shall have been acquired in one of the following ways:—

- (a) by not less than 2 years' whole-time training or experience in the nursing of the sick undergone or acquired, as the case may be, before 17th March 1943 under the supervision of trained nursing staff in a hospital or institution ; or
- (b) by not less than 3 years' whole-time bona fide practice in the nursing of the sick carried out before 17th March 1943, including not less than 6 months' whole-time training or experience under the supervision of trained nursing staff in a hospital or institution ; or

- (c) in the case of a person who before 17th March 1943, was a State Certified Midwife, by not less than 3 years' whole-time training or experience in the nursing of the sick or midwifery undergone or acquired, as the case may be, before that date, including not less than 6 months' whole-time training or experience in the nursing of the sick under the supervision of trained nursing staff in a hospital or institution ; or
- (d) by 5 years' whole-time bona fide practice in the nursing of the sick carried out before 17th March 1943, including such nursing experience recently acquired before that date as would have been considered adequate by the Council ; or
- (e) by not less than 2 years' whole-time training or experience in the nursing of the sick undergone or acquired, as the case may be, before 1st January 1949, under the supervision of trained nursing staff in a hospital or institution of which not less than 1 year was spent in the employment of one hospital or institution or in one or more hospitals or institutions under one authority ; or
- (f) in the case of a person who before 1st January 1947, was a State Certified Midwife, by not less than 2 years and 6 months' whole-time training in the nursing of the sick or midwifery, undergone before that date, including not less than 6 months' whole-time training in the nursing of the sick under the supervision of trained nursing staff in a hospital or institution.

#### *References*

16F(1) For the purposes of rule 16A(a) and 16D(a), the applicant shall furnish to the Registrar the names and addresses of 3 persons willing and able to give evidence of her character. 1 of such persons shall be a householder not being a relation of the applicant who has known the applicant for not less than 3 years. 2 shall be persons under whom the applicant has worked for not less than 3 months being a matron, a chief male nurse, a registered mental nurse, a registered medical practitioner or other persons who in the opinion of the Council are suitable for the purpose.

(2) For the purposes of rules 16A(b) and 16D(c), evidence of the applicant's date of birth shall be sufficient if given to the Council by the applicant in the form of a birth certificate or a statutory declaration stating the date of birth.

(3) For the purposes of rule 16A(d), an applicant shall furnish to the Registrar the names and addresses of the persons specified in subparagraph (a) or (b) of this paragraph as are appropriate in her case who are willing to send to the Council a certificate relating to the professional efficiency of the applicant, that is to say—

- (a) in the case of an applicant whose period of practice entitling her to be enrolled has been carried out under the conditions specified in rule 16B(1)(a), any 2 persons, such persons being a matron, chief male nurse or other senior nursing officer of a hospital or mental nursing home or other institution in which she has been employed or a registered medical practitioner under whom she has worked ; and
  - (b) in the case of an applicant whose period of practice entitling her to enrolment has been carried out under the conditions specified in rule 16B(1)(b), a registered mental nurse and a registered medical practitioner under whose supervision she has worked."
- (j) for rule 17 there shall be substituted the following rule:—

" 17.—(1) Any person whose name is entered on the Roll kept by the General Nursing Council for Scotland or by the Joint Nursing and Midwives Council for Northern Ireland who makes application to the Registrar on a form to be supplied by the Council, pays any fee in

respect of such application for enrolment due under section 3(3) of the Act of 1957 and produces a certificate issued by the Registrar of the Council on whose Roll her name is entered to that effect and a complete copy of such entry shall be admitted to the Roll.

(2) The provisions of paragraph (1) of this rule shall not apply to a person whose name has been removed by the Committee from the Roll under Part V of these Rules."

(k) Rule 18 shall be omitted.

(l) In rule 24 in paragraph (1) for the words "recorded delivery service" there shall be substituted the words "registered post".

(m) In rule 34—

In paragraph (2)—

after the words "the application shall" there shall be added the words "where practicable";

after the words "two or more persons" there shall be added the words "with knowledge of the facts found against her"; and

the words "and such other evidence as the committee may reasonably require" shall be omitted.

After paragraph (2) there shall be added the following paragraph:—

"(2)A. The Committee may invite the applicant to amplify her application by making a statement in writing in relation to any facts which the Committee may consider to be material in making their decision."

For paragraph (3) there shall be substituted the following paragraph:—

"(3) The Committee may require the applicant to verify by statutory declaration any statement made in her application or on the invitation of the Committee."

(n) In rules 35, 41 and 43 for the words "recorded delivery" there shall be substituted the words "registered post".

(o) In the 2nd Schedule—

In the title the words "SYLLABUS OF" shall be omitted; after the title there shall be inserted the following Parts—

#### "PART I

### 1964 SYLLABUS OF TRAINING IN GENERAL NURSING

#### Section I

##### PRINCIPLES AND PRACTICE OF NURSING

Introduction: development of nursing.

An outline of the National Health Service, and the nurse's place within it.

Principles and practice of nursing.

First Aid.

#### Section II

##### THE HUMAN INDIVIDUAL AND HIS CARE

An elementary knowledge of:—

Personal development of the individual.

Promotion of individual and communal health.

The structure and function of the human body, including nutrition.

**Section III****OUTLINE OF THE CAUSE, COURSE AND TREATMENT OF DISEASE**

An elementary knowledge of the causes of disease and principles of treatment as a background to understanding the nursing care given to patients.

Nursing care of patients with medical, surgical and chronic conditions ; nursing of infants and children.

**PART II****SYLLABUS OF TRAINING IN PSYCHIATRIC NURSING****Section I****PSYCHIATRIC NURSING**

Introduction: development of nursing.

Outline of Mental Health Services.

An elementary knowledge of the legal and administrative aspects of mental disorder.

A general outline of either :—

- (a) mental illness or
- (b) mental subnormality.

A general understanding of the nursing care and management of either :—

- (a) mentally ill patients or
- (b) mentally subnormal patients.

General principles of occupational therapy ; social therapy, and after care.

First Aid.

**Section II****THE HUMAN INDIVIDUAL AND HIS CARE**

An elementary knowledge of :—

Personal development of the individual.

The promotion of individual and communal health.

The structure and function of the human body, including nutrition.

**Section III**

Care of patients who are ambulant and patients confined to bed."

For the existing heading "Part I" there shall be substituted the headings

**"PART III****1949 SYLLABUS OF TRAINING IN  
GENERAL NURSING "****Section I".**

For the existing headings "Part II" "Part III" "Part IV" and "Part V" there shall be substituted respectively the headings "Section II" "Section III" "Section IV" and "Section V".

**(p) In the 4th Schedule—****In Part I—**

For paragraph A.2 and 3 there shall be substituted the following paragraphs—

**“ 2. The outdoor uniform shall consist of:—**

- (a) An overcoat (lightweight or heavyweight); or approved raincoat; and/or costume worn with approved blouse; and
- (b) A peaked cap with embroidered device in front; or beret with cockade and embroidered device; or double-crowned felt hat with cockade and embroidered device; or tricorn shape felt hat with cockade and embroidered device; or a white peaked crash helmet made in accordance with the specification of the British Standards Institution for protective helmets for motor cyclists.

With any of the above uniforms there shall be worn brown shoes, brown stockings and brown gloves; a handbag, if carried, shall be of brown leather.

**3. The indoor uniform shall consist of:—**

- (a) A washing frock to be worn with or without an approved apron, or
- (b) a mess frock.

With either of the above uniforms there shall be worn brown shoes and brown stockings.”

In paragraph B for the item “Raincoat” there shall be substituted the following item—

**“ Raincoat****(a) style:**

“ Burberry ” design.

**(b) Material:**

Dark green gaberdine; showerproof

or

**(c) Style:**

Double breasted; 3 buttons; 2 way collar with additional button at neck. Slanting welted pockets; inset sleeves; half belt stitched to waist; vent back.

Detachable epaulettes with plated metal letters.

**(d) Material:**

Approved special material of dark green rainproof cloth with interwoven lining of applegreen cloth”.

In paragraph B for the items “Washing Frock—A” and “Washing Frock—B” there shall be substituted the following item—

**“ Washing Dress****(a) Style.**

Princess style. No waist seam.

Concealed front fastening. Opening to hip line or through to hem. Round neck. White collar. Short sleeves. Self cuffs, white cuffs or no cuffs. Two inset pockets on bodices with buttons to take square bib apron. All round stitched belt of self material. Pocket in right side seam. Dark green flash on right bodice with old-gold embroidered insignia.

**(b) Material**

Apple green cotton or a blended fabric of synthetic and/or natural fibres having satisfactory antistatic and washing properties.

Worn with or without:—

Square bib apron without straps.

American style cap.”

**In Part II—**

At the end of paragraph A.2(c) there shall be inserted the following words—

“or a white peaked crash helmet made in accordance with the specification of the British Standards Institution for protective helmets for motor cyclists.”

Under the item “Washing Duty Coat” for sub-paragraph (b) there shall be substituted the following sub-paragraph.

“(b) Material:

Apple green or white drill.”

*C. A. Smaldon,*  
Chairman of Council

The Seal of the General Nursing Council for England and Wales was hereunto affixed on 6th November 1964.

(L.S.)

*M. Henry,*  
Registrar

Given under the official seal of the Minister of Health on 20th November 1964.

(L.S.)

*Kenneth Robinson,*  
Minister of Health

**EXPLANATORY NOTE**

*(This Note is not part of the Instrument, but is intended to indicate its general purport.)*

The rules approved by this Instrument amend the Enrolled Nurses Rules 1961 (S.I. 1961/1519).

The amendments in particular—

- (a) prescribe for the first time a course of training for the roll in the nursing of mentally disordered patients and also prescribe a revised course of training for the roll in general nursing ;
- (b) enable persons who have had before 1st December 1967, certain experience in the nursing of mentally disordered patients to be enrolled without undergoing a course of training or passing an examination ;
- (c) enable persons to be enrolled who have had certain nursing experience before 17th March 1943, or before 1st January 1949, which would have enabled them to be enrolled under rules made under the Nurses Act 1943 (6 & 7 Geo. 6. c. 17) had they applied to be enrolled within the time limits laid down in those rules ;
- (d) enable persons who have completed various specified periods of training for the register to sit for their examination for the roll after a reduced period of training for the roll, or without further training for the roll, as the case may be.

1964 No. 1852

**PROBATION OF OFFENDERS**

**The Probation (No. 2) Rules 1964**

*Made - - - - 20th November 1964*  
*Coming into Operation 1st December 1964*

In pursuance of the power conferred on me by Schedule 5 to the Criminal Justice Act 1948(a), I hereby make the following Rules :—

1. Rule 44(2) of the Probation Rules 1949(b), as set out in Rule 1 of the Probation Rules 1960(c), (which restricts the appointment as probation officers of persons who have attained the age of 40 years) is hereby revoked.

2. These Rules may be cited as the Probation (No. 2) Rules 1964 and shall come into operation on 1st December 1964.

*Frank Soskice,*  
 One of Her Majesty's Principal  
 Secretaries of State.

Home Office,  
 Whitehall.  
 20th November 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules amend the Probation Rules 1949 by revoking the restrictions on the appointment as whole time probation officers of persons who have attained the age of 40 years.

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(a) 11 & 12 Geo. 6. c. 58. (b) S.I. 1949/1328 (1949 I, p. 3508).  
 (c) S.I. 1960/1443 (1960 II, p. 2774).

1964 No. 1854

**DEFENCE**

**ROYAL AIR FORCE**

**The Rules of Procedure (Air Force) (Second Amendment)  
Rules 1964**

*Made* - - - - - 23rd November 1964  
*Laid before Parliament* 27th November 1964  
*Coming into Operation* 28th November 1964

The Secretary of State in exercise of the powers conferred on him by sections 103, 104, 105 and 106 of the Air Force Act 1955(a) and of all other powers enabling him in that behalf makes the following Rules:—

*Citation and Commencement*

1.—(1) These Rules may be cited as the Rules of Procedure (Air Force) (Second Amendment) Rules 1964 and these Rules and the Rules of Procedure (Air Force) 1956(b) (hereinafter referred to as “the Principal Rules”) and other Rules(c) amending the Principal Rules shall be construed as one and may be cited together as the “Rules of Procedure (Air Force) 1956”.

(2) These Rules shall come into operation on the 28th November 1964.

*Interpretation*

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) A Rule or Schedule referred to by number in these Rules means the Rule or Schedule so numbered in the Principal Rules.

*Amendments to the Principal Rules*

3.—(1) The Principal Rules shall be amended in accordance with the provisions of the following paragraphs of these Rules.

(2) In Rule 2(1)(b) for the words “is guilty but insane” there shall be substituted the words “is not guilty by reason of insanity”.

(3) In Rule 89:—

(a) for the heading “INSANITY” there shall be substituted the heading “UNFITNESS TO STAND TRIAL AND INSANITY”;

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(a) 3 & 4 Eliz. 2. c. 19.

(b) S.I. 1956/163 (1956 II, p. 2020).

(c) S.I. 1961/2152, 1964/1282 (1961 III, p. 3884; 1964 II, p. 2955).

(d) 52 & 53 Vict. c. 63.



(b) for paragraphs (1) and (2) there shall be substituted the following:

(1) Where on the trial of a person the question of his fitness to be tried falls to be determined in accordance with the provisions of subsection (4A) of section 116 of the Act, the court shall take evidence as to his condition. If after considering the evidence they are of the opinion that the accused is fit to stand his trial, they shall proceed with the trial; but if they are of the opinion that the accused is unfit to stand his trial they shall so find and their finding shall be announced in open court forthwith and as being subject to confirmation.

(2) If a court, in the course of their deliberation on their finding on a charge find pursuant to subsection (2) of section 116 of the Act that the accused was not guilty of the offence by reason of insanity their finding shall be announced in open court forthwith and as being subject to confirmation.

(4) In paragraph (3)(b)(ii) of Rule 91 for the words "Air Council" there shall be substituted the words "Defence Council".

(5) In paragraphs (1), (2) and (3) of Rule 101 after the words "court-martial" there shall be inserted the words "or who has been found by a court-martial to be unfit to stand his trial or to be not guilty by reason of insanity".

(6) In part (6) of the Fourth Schedule (Findings) for the words "*where the accused is unfit to stand his trial by reason of insanity*" to the words "*guilty but insane*" there shall be substituted the words:

*"Where the accused is unfit to stand his trial  
unfit to stand his trial*

*Acquittal by reason of insanity  
not guilty by reason of insanity."*

*Denis Healey,*  
One of Her Majesty's Principal  
Secretaries of State.

Dated 23rd November 1964.

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### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These amendments to the Rules of Procedure (Air Force) 1956 introduce into Royal Air Force Law changes recently introduced into civil law by the Criminal Procedure (Insanity) Act 1964. The Rules are also amended to take into account the transfer of functions from the former Air Council to the Defence Council under the provisions of the Defence (Transfer of Functions) Act 1964.

1964 No. 1855

## NATIONAL INSURANCE

### The National Insurance (Continental Shelf) Regulations 1964

<i>Made</i> - - - -	20th November 1964
<i>Laid before Parliament</i>	26th November 1964
<i>Coming into Operation</i>	30th November 1964

The Minister of Pensions and National Insurance, in conjunction with the Treasury so far as relates to matters with regard to which the Treasury have so directed, in exercise of powers confirmed by sections 22(5) and 29 of the National Insurance Act 1946(a) and section 10 of the Continental Shelf Act 1964(b) and of all other powers enabling her in that behalf, after considering the report of the National Insurance Advisory Committee on the preliminary draft submitted to them, hereby makes the following regulations:—

#### *Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Continental Shelf) Regulations 1964 and shall come into operation on 30th November 1964.

(2) In these regulations, unless the context otherwise requires—

“the principal Act” means the National Insurance Act 1946;

“the Continental Shelf Act” means the Continental Shelf Act 1964;

“the Death Grant Regulations” means the National Insurance (Death Grant) Regulations 1949(c), as amended(d);

“designated area” means any area which may from time to time be designated by Order-in-Council under the Continental Shelf Act as an area within which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised;

“prescribed employment” means any employment (whether under a contract of service or not) in a designated area which is employment in connection with the exploitation of the resources mentioned in section 1(1) (exploration and exploitation of Continental Shelf) of the Continental Shelf Act or with the exploration of the sea bed and subsoil in any designated area;

and expressions to which meanings are assigned in the Continental Shelf Act have the same meanings as in that Act; and other expressions have the same meanings as in the principal Act.

(3) Subject to the provisions of the next following paragraph, references in these regulations to any enactment, order or regulations shall include references to such enactment, order or regulations as amended or extended by or under any other enactment, order or regulations (including, except in

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(a) 9 & 10 Geo. 6. c. 67.

(c) S.I. 1949/1204 (1949 I, p. 2708).

(b) 1964 c. 29.

(d) S.I. 1957/2179 (1957 I, p. 1527).

so far as the contrary intention appears therein, any enactment, order or regulations subsequent to these regulations).

(4) Nothing in these regulations shall affect the operation of an Order-in-Council giving effect to a reciprocal agreement with the government of any country outside the United Kingdom and the Isle of Man, except in so far as the contrary intention appears in such Order-in-Council.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the construction of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

*Insurance and classification of persons in prescribed employment*

2.—(1) In determining whether a person is an insured person under the principal Act, he shall be treated as though, throughout any period during which he is or was in prescribed employment, every designated area were in Great Britain.

(2) For the purposes of the principal Act, the classification of an insured person (including a person treated as insured under the foregoing paragraph) and liability or entitlement to pay contributions by or in respect of such a person shall be determined as though, throughout any period during which that person is or was in prescribed employment, every designated area were in Great Britain.

*Payment of benefit outside Great Britain*

3. Where benefit would, but for the provisions of section 29(1)(a) (absence from Great Britain) of the principal Act, be payable to a person in a designated area, such benefit shall be payable notwithstanding the absence of that person from Great Britain, provided that such absence is due to his being or having been in prescribed employment.

*Amendment of Death Grant Regulations*

4. In regulation 5(1) of the Death Grant Regulations (which specifies the conditions on which, subject to the provisions of the principal Act and those regulations, a death grant shall be payable in respect of a death occurring outside Great Britain) after sub-paragraph (g) there shall be inserted:—

“(gg) that the deceased’s death occurred in a designated area within the meaning of the National Insurance (Continental Shelf) Regulations 1964 and that his absence from Great Britain immediately before his death was due to his being or having been in prescribed employment within the meaning of those regulations ; or”.

*Installations*

5. Any reference in the principal Act to premises shall be deemed to include an installation in a designated area.

*Application of Acts and regulations*

6. The provisions of the National Insurance Acts 1946 to 1964 and of the regulations and orders made thereunder shall, so far as they are not inconsistent with the provisions of these regulations, apply in relation to persons

in prescribed employment with this modification, that where such a person is, on account of his being outside Great Britain by reason of his employment, being prescribed employment, unable to perform any act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied with such requirement if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

*Margaret Herbison,*  
Minister of Pensions and National Insurance.

19th November 1964.

*G. H. R. Rogers,*  
*Harriet Slater,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

20th November 1964.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide for the insurance under the National Insurance Act 1946 of persons in employment in connection with the exploitation of the resources of the sea bed and subsoil of any area designated under the Continental Shelf Act 1964 or with the exploration of the sea bed and subsoil in any such area, and modify the provisions of the first-mentioned Act in their application in relation to persons in such employment.

The report of the National Insurance Advisory Committee on the preliminary draft of these Regulations, dated 28th September 1964, is contained in House of Commons Paper No. 23 (Session 1964/1965) published by Her Majesty's Stationery Office.

1964 No. 1856

**NATIONAL INSURANCE (INDUSTRIAL INJURIES)****The National Insurance (Industrial Injuries) (Continental Shelf) Regulations 1964**

<i>Made</i> - - - -	19th November 1964
<i>Laid before Parliament</i>	26th November 1964
<i>Coming into Operation</i>	30th November 1964

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 32 of the National Insurance (Industrial Injuries) Act 1946(a) and section 10 of the Continental Shelf Act 1964(b), and of all other powers enabling her in that behalf, and after reference to the Industrial Injuries Advisory Council, hereby makes the following regulations :—

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Continental Shelf) Regulations 1964 and shall come into operation on 30th November 1964.

(2) In these regulations, unless the context otherwise requires—

“ the principal Act ” means the National Insurance (Industrial Injuries) Act 1946 ;

“ the Continental Shelf Act ” means the Continental Shelf Act 1964 ;

“ designated area ” means any area which may from time to time be designated by Order-in-Council under the Continental Shelf Act as an area within which the rights of the United Kingdom with respect to the sea bed and subsoil and their natural resources may be exercised ;

“ prescribed disease ” means a disease or injury prescribed for the purpose of Part IV of the principal Act ;

and expressions to which meanings are assigned in the Continental Shelf Act have the same meanings as in that Act ; and other expressions have the same meanings as in the principal Act.

(3) Subject to the provisions of the next following paragraph, references in these regulations to any enactment, order or regulations shall include references to such enactment, order or regulations as amended or extended by or under any other enactment, order or regulations (including, except in so far as the contrary intention appears therein, any enactment, order or regulations subsequent to these regulations).

(4) Nothing in these regulations shall affect the operation of any Order-in-Council giving effect to a reciprocal agreement with the government of any

country outside the United Kingdom and the Isle of Man, except in so far as the contrary intention appears in such Order-in-Council.

(5) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purpose of the interpretation of these regulations as they apply for the purpose of the interpretation of an Act of Parliament.

*Employment treated as insurable employment*

2. Any employment in any designated area which is employment in connection with the exploitation of the resources mentioned in section 1(1) (exploration and exploitation of Continental Shelf) of the Continental Shelf Act or with the exploration of the sea bed and subsoil in any designated area and which, were every such area in Great Britain, would be an insurable employment under the principal Act, shall be treated as an insurable employment under the principal Act.

*Accidents happening and diseases contracted outside Great Britain*

3. Benefit shall be payable, subject to and in accordance with the provisions of the principal Act, in respect of an accident arising out of and in the course of, or a prescribed disease due to the nature of, any employment by virtue of which any person is an insured person under the last preceding regulation, notwithstanding that the accident happens or the disease is contracted while such person is outside Great Britain, provided that the person is at the time of such happening or contraction either—

(a) in a designated area, or

(b) if not in a designated area, travelling from one designated area to another or from or to Great Britain to or from a designated area

and accordingly in regulation 14 of the National Insurance (Industrial Injuries) (Prescribed Diseases) Regulations 1959(b) after the words "ships and aircraft" there shall be inserted the words "and of the National Insurance (Industrial Injuries) (Continental Shelf) Regulations 1964".

*Payment of benefit outside Great Britain*

4. Where benefit would, but for the provisions of section 32(1)(a) (absence from Great Britain) of the principal Act be payable to a person in a designated area, such benefit shall be payable notwithstanding the absence of that person from Great Britain, provided that such absence is due to his being or having been in employment treated as insurable under regulation 2.

*Installations*

5. Any reference in the principal Act to premises shall be deemed to include an installation in a designated area.

*Application of Acts and regulations*

6. The provisions of the National Insurance (Industrial Injuries) Acts 1946 to 1964 and of the regulations and orders made thereunder shall, so far as they are not inconsistent with the provisions of these regulations, apply in relation to persons who are insured persons under regulation 2 with this modification, that where such a person is, on account of his being

(a) 52 & 53 Vict. c. 63.

(b) S.I. 1959/467 (1959 II, p. 1943).

outside Great Britain by reason of his employment, being employment treated as insurable under regulation 2, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied with such requirement if he performs the act as soon as is reasonably practicable, although after the happening of the event or the expiration of the specified time.

*Margaret Herbison,*

Minister of Pensions and National Insurance.

19th November 1964.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide for treating as insurable employment under the National Insurance (Industrial Injuries) Act 1946 employment in connection with the exploitation of the resources of the sea bed and subsoil of any area designated under the Continental Shelf Act 1964 or with the exploration of the sea bed and subsoil in any such area, and modify the provisions of the first-mentioned Act in their application to persons who are insured persons under the Regulations.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1857

## ROAD TRAFFIC

## The Traffic Signs Regulations and General Directions 1964

<i>Made</i> - - - - 20th November -	1964
<i>Laid before Parliament</i> 9th December -	1964
<i>Coming into Operation</i> 1st January -	1965

## ARRANGEMENT

## PART I—TRAFFIC SIGNS REGULATIONS

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## PART II—GENERAL DIRECTIONS

## PART III—GENERAL CITATION AND COMMENCEMENT

The Secretary of State and the Minister of Transport (hereinafter referred to as "the Minister") acting jointly in exercise of their powers under section 51 of the Road Traffic Act 1960(a) and under section 52 of the said Act of 1960, as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b) and of all other powers them enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby make the following Regulations and give the following Directions:—

## PART I—TRAFFIC SIGNS REGULATIONS

### SECTION I

#### *Preliminary*

#### *Citation*

1. These Regulations may be cited as "The Traffic Signs Regulations 1964".

#### *Revocation*

2. The Traffic Signs Regulations 1957(c) and the Regulations amending those Regulations specified in Schedule 6 are hereby revoked, and the said Regulations of 1957 as so amended are hereinafter in these Regulations referred to as "the Regulations of 1957".

#### *Savings*

3.—(1) Any traffic sign, which immediately before the coming into operation of these Regulations is situated on or near any road, if it is a sign shown in any of the diagrams Nos. 201 to 217 and 301 to 326 in Schedule 1 to the Regulations of 1957 or in either of the diagrams Nos. RM1 and RM30 in Schedule 2 to those Regulations and if it then complies with the provisions relating thereto by virtue of those Regulations, shall so long as it continues to comply with the said provisions as though the same had not been revoked be treated as if prescribed by these Regulations until the 31st December 1966.

(2) Any other traffic sign, which immediately before the coming into operation of these Regulations is situated on or near a primary route, if it is a sign prescribed by the Regulations of 1957 (other than a sign shown in diagram No. 327 or 401 in Schedule 1 thereto or in diagram No. RM24 in Schedule 2 thereto) but not by these Regulations and if it then complies with the provisions relating thereto by virtue of the Regulations of 1957, shall so long as it continues to comply with the said provisions as though the same had not been revoked be treated as if prescribed by these Regulations until the 31st December 1967.

(3) Any traffic sign, which immediately before the coming into operation of these Regulations is in being, if it is a sign shown in any of the diagrams Nos. 159 to 165, 218 to 222 and 419 to 421 in Schedule 1 to the Regulations of 1957 and if it then complies with the provisions relating thereto by virtue of those Regulations, shall so long as it continues to comply with the said provisions as though the same had not been revoked be treated as if prescribed by these Regulations until the 31st December 1967.

(4) Subject to the foregoing provisions of this Regulation, any traffic sign, which immediately before the coming into operation of these Regulations is situated on or near any road, if it is a sign prescribed by the Regulations of 1957 (other than a sign shown in diagram No. 327 or 401 in Schedule 1 thereto or in

(a) 8 & 9 Eliz. 2. c. 16.  
(c) S.I. 1957/13 (1957 II, p. 2001).

(b) 10 & 11 Eliz. 2. c. 59.

diagram No. RM24 in Schedule 2 thereto) but not by these Regulations and if it then complies with the provisions relating thereto by virtue of the Regulations of 1957, shall so long as it continues to comply with the said provisions as though the same had not been revoked be treated as if prescribed by these Regulations.

### *Interpretation*

4.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them:—

“ hours of darkness ” means the time between half-an-hour after sunset and half-an-hour before sunrise;

“ motorway ” means a special road—

(a) which in England or Wales (save as otherwise provided by or under regulations under section 37 of the Road Traffic Act 1960) can only be used by traffic of Class I or II of the classes of traffic set out in Schedule 4 to the Highways Act 1959(a), as amended (b); and

(b) which in Scotland can only be used by traffic of Class I or II of the classes of traffic set out in Schedule 2 to the Special Roads Act 1949(c), as amended (d);

“ primary route ” means a route, not being a route formed by any part of a motorway, formed—

(a) by a length of trunk road,

(b) by a length of trunk road together with another road, not being a trunk road, or

(c) by a length of road, not being a trunk road, being a route—

(i) in England or Wales as respects which in the case at (a) the Minister is of the opinion, and as respects which in the cases at (b) and (c) the Minister after consultation with the highway authority for the road, not being a trunk road, is of the opinion that it provides the most satisfactory route for through traffic between two or more places of traffic importance, and

(ii) in Scotland as respects which in the case at (a) the Secretary of State is of the opinion, and as respects which in the cases at (b) and (c) the Secretary of State after consultation with the highway authority for the road, not being a trunk road, is of the opinion that it provides the most satisfactory route for through traffic between two or more places of traffic importance;

“ non-primary route ” means a road, not being a primary route or a motorway or part of a primary route or a motorway;

“ temporary statutory provision ” means a provision having effect under section 36 of the Road Traffic Act 1960 (which provides for traffic regulation in consequence of the execution of works) or section 28 of the Road Traffic Act 1962 (which relates to experimental traffic schemes) or contained in section 53 of the Road Traffic Act 1960 (which relates to traffic signs for giving effect to local traffic regulations), section 54 of that Act (which relates to traffic signs for dealing with traffic congestion and danger) or section 55 of that Act (which relates to traffic signs in connection with experimental traffic schemes in London).

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(a) 7 & 8 Eliz. 2. c. 25.

(c) 12, 13 & 14 Geo. 6. c. 32.

(b) S.I. 1961/1210 (1961 II, p. 2408).

(d) S.I. 1964/1084 (1964 II, p. 2398).

(3) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 were Acts of Parliament thereby repealed.

*References to regulations, schedules, diagrams and signs*

5.—(1) Any reference in these Regulations to a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations except where otherwise expressly provided.

(2) Any reference in these Regulations to a diagram by a number is a reference to the diagram of that number in Schedule 1 or Schedule 2 except where otherwise expressly provided.

(3) Any reference in these Regulations to any sign shown in a diagram being a diagram in Schedule 1 or Schedule 2 shall be construed as including a reference to any such sign varied in accordance with the provisions of these Regulations.

## SECTION II

### *Miscellaneous General Provisions*

#### *Authorisations by the Minister or the Secretary of State*

6. Nothing in these Regulations shall be taken to limit the powers of the Minister or the Secretary of State, as the case may be, under section 51 of the Road Traffic Act 1960 to authorise the erection or retention of traffic signs of a character not prescribed by these Regulations.

#### *Application of s.14 of the Road Traffic Act 1960 to signs*

7. Section 14 of the Road Traffic Act 1960 shall apply—

- (a) to signs of the type shown in any of the diagrams 601, 602, 603, 605, 606 and 610;
- (b) to the red signal when shown by the light signals prescribed by Regulation 31, by Regulation 31 as varied by Regulation 32, or by Regulation 33;
- (c) to the road marking shown in diagram 1013 in so far as that marking conveys the requirements specified in Regulation 23(2);
- (d) until the 31st December 1966, to any sign which in accordance with paragraph (1) of Regulation 3 is treated as if prescribed by these Regulations, if it is a sign of the type shown in any of the diagrams Nos. 204, 205, 206, 212, 213, 216 and 217 in Schedule 1 to the Regulations of 1957;
- (e) until the 31st December 1967, to any sign which in accordance with paragraph (3) of Regulation 3 is treated as if prescribed by these Regulations, if it is a sign of the type shown in either of the diagrams Nos. 218 and 219 in Schedule 1 to the Regulations of 1957.

#### *Variations in dimensions*

8.—(1) Any variation in a dimension (other than as to the height of a letter) specified in any of the diagrams in Schedule 1, Schedule 3 or Schedule 4 shall be treated as permitted by these Regulations if the variation—

- (a) in the case of a dimension so specified as 12 inches or as over 12 inches, does not exceed  $2\frac{1}{2}\%$  of that dimension;

- (b) in the case of a dimension so specified as 2 inches or as over 2 inches but as under 12 inches, does not exceed 5% of that dimension; or
- (c) in the case of a dimension so specified as under 2 inches, does not exceed 10% of that dimension.
- (2) Any variation in a dimension as to the height of a letter specified in any of the diagrams in Schedule 1 shall be treated as permitted by these Regulations if the variation—
- (a) in the case of a dimension so specified as 4 inches or as over 4 inches, does not exceed 2½% of that dimension; or
- (b) in the case of a dimension so specified as under 4 inches, does not exceed 5% of that dimension.
- (3) Any variation in a dimension specified in any of the diagrams in Schedule 2 shall be treated as permitted by these Regulations if the variation—
- (a) in the case of a dimension so specified as 10 feet or as over 10 feet, does not exceed 5% of that dimension;
- (b) in the case of a dimension so specified as 1 foot or as over 1 foot but under 10 feet, does not exceed 10% of that dimension; or
- (c) in the case of a dimension so specified as under 1 foot, where the actual dimension exceeds the dimension so specified, does not exceed 20% of the dimension so specified, and where the actual dimension is less than the dimension so specified, does not exceed 10% of the dimension so specified.
- (4) Any variation in a dimension as to the angle of hatching specified in any of the said diagrams shall be treated as permitted by these Regulations if the variation does not exceed 5 degrees.

### SECTION III

#### *Traffic Signs shown in Schedule 1*

##### *Signs to be of the sizes, colours and types shown in diagrams*

9. Subject to the provisions of these Regulations, a traffic sign for conveying—
- (a) to vehicular traffic on roads a warning of the description specified in or under a diagram in Part I of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that warning;
- (b) to vehicular traffic on roads a requirement, prohibition or restriction specified in or under a diagram in Part II of Schedule 1 (other than a requirement shown in diagram 601 or 602) shall be of the size, colour and type shown in the diagram relating to that requirement, prohibition or restriction;
- (c) to traffic on a road other than a motorway information of a directional nature of the description specified in or under a diagram in Part III of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that information;
- (d) to traffic on roads information of the description specified in or under a diagram in Part IV of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that information;
- (e) to traffic on a motorway information of a directional or other nature specified in or under a diagram set out in Part V of Schedule 1 shall be of the size, colour and type shown in the diagram relating to that information.

##### *Signs shown in diagrams 601 and 602*

10. Subject to the provisions of these Regulations, a traffic sign for conveying to vehicular traffic on roads the requirements specified in paragraph (2) of the next succeeding Regulation shall be of the size, colour and type shown in diagram 601 and a traffic sign for conveying to such vehicular traffic the requirement specified in paragraph (3) of the said Regulation shall be of the size, colour and type shown in diagram 602.

*Significance of signs shown in diagrams 601 and 602*

11.—(1) For the purposes of this Regulation—

“minor road” means a road at a road junction on which road is placed the sign shown in diagram 601 or 602;

“major road” means the road at a road junction into which road emerges vehicular traffic from a minor road.

(2) The requirements conveyed by the sign shown in diagram 601 shall be that—

(a) every vehicle shall before entering the major road stop at the transverse lines shown in diagram 1002 or, if they are not for the time being visible, at the major road; and

(b) no vehicle shall proceed past such one of the said transverse lines as is nearest to the major road into that road, or if those lines are not for the time being visible shall enter into the major road, in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid an accident with the first-mentioned vehicle.

(3) The requirement conveyed by the sign shown in diagram 602 shall be that no vehicle shall proceed past such one of the transverse lines shown in diagram 1003 as is nearest to the major road into that road, or if those lines are not for the time being visible shall enter into the major road, in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid an accident with the first-mentioned vehicle.

*Permitted variants*

12.—(1) Where the circumstances so require, the indications given by the signs shown in the diagrams in Schedule 1 shall or may be varied as hereinafter provided in this paragraph—

(a) any indication given by such a sign may be varied in the respect (if any) in which it is shown below the diagram relating to that sign that the indication may be varied;

(b) in the signs shown in diagrams 502, 503, 523, 524, 527, 530, 531, 534, 535, 547, 570 to 573, 623, 626, 628 to 631, 746, 826, 840 to 843, 914, 915 and 916 (second distance only) the numerals shall be varied to accord with the circumstances;

(c) in the signs shown in diagrams 618, 639 to 641, 807 and 819 the legend shall be varied to accord with the prohibition or restriction imposed in relation to vehicular traffic;

(d) in the signs shown in diagrams 515, 553, 568, 569, 573, 606 (through 180° above horizontal), 639, 640, 644, 810, 840 to 842 and 912 the direction of any arrow or chevron shown therein shall be varied to accord with the circumstances, and in the signs shown in diagrams 639 and 640 the arrows may be omitted and in the signs shown in diagrams 534, 535, 641 and 746 an arrow pointing in the appropriate direction left or right may be included;

(e) in the signs shown in diagrams 570, 573, 746 and 840 to 842 any distance shown therein may be expressed in yards or miles as is appropriate and in the signs shown in diagrams 518, 519, 534, 535 and 563 an indication of distance may be expressed as is appropriate;

(f) in the signs shown in diagrams 713, 724, 728, 732 to 741, 903 and 904 the direction in which they point shall be reversed;

(g) in the signs shown in diagrams 705 and 723 where a junction with a motorway is to be indicated the appropriate panel or panels shall be

blue with a white legend and the route number shown in characters of the proportion and form shown in Parts I and III of Schedule 5 and in the case of a sign shown in diagram 722 where a non-primary route joins a motorway the appropriate place name and motorway route number shall be shown in white on a blue panel;

- (h) in the case of a sign shown in diagram 712 the white border round the "NO ENTRY" symbol shall be omitted when the sign is placed on a non-primary route and in the case of a sign so shown the "NO ENTRY" symbol may be replaced by a "NO RIGHT TURN" or a "NO LEFT TURN" symbol where appropriate;
- (i) in the signs shown in diagrams 701 to 716, 718 to 725, 727 to 734, 737 to 745 and 903 to 911 the appropriate route numbers, place names, route symbols, arrows and distances (other than the mileages in diagrams 702, 905 and 906) shall be varied having regard to the place where any such sign is erected.

(2) Where overall dimensions are shown in Schedule 1 for any such sign as is mentioned in the preceding paragraph and the sign is varied in accordance with that paragraph, the overall dimensions may be varied in so far as is necessary to give effect to that variation.

(3) In the sign shown in diagram 536 the number of bells shall be increased or decreased according to the width of the road over which it is placed, and in each of the signs shown in diagrams 534 and 535 the headroom shown on the sign shall be varied where necessary so that it is 2 feet less than the height of the lowest part of the overhead wire, of which it gives warning, over the highest part of the surface of the carriageway beneath the said wire.

(4) In a sign shown in any of the diagrams 743 to 745 there may be incorporated the arms of the council in whose administrative area the sign is placed or, where the sign is varied to show the name of a county, the arms of the county or, where the sign is varied to show the name of a country, the crest of the country. The arms or crest may be incorporated only if the appearance of any place name shown in the sign is not thereby materially impaired and the arms or crest if incorporated shall be shown either in the colours normally used for that purpose or in black.

### *Dimensions*

13.—(1) Where as respects any diagram in Schedule 1 a dimension for the sign shown in the diagram is indicated in one or more sets of brackets against a dimension not indicated in brackets, any dimension indicated in a set of brackets may be treated as an alternative to the dimension not so indicated.

(2) A sign shown in a diagram in Part III of Schedule 1 other than in diagrams 717, 726 and 746 and a sign shown in a diagram in Part V of that Schedule other than in any of the diagrams 901, 902, 910 and 912 to 920 shall be of such dimensions having regard to the character of the road and the speed of the vehicular traffic generally using it as are necessary to accommodate any place name, route symbol, route number, arrow, any indication of distance, or any other indication which in accordance with these Regulations may be shown therein and it is appropriate to show for the purpose for which the sign is placed on a road.

### *Proportions and form of letters and numerals*

14.—(1) Subject to the provisions of paragraphs (2) and (3) of this Regulation, all letters incorporated in the signs shown in the diagrams in Schedule 1 other than in diagram 742 shall have the proportions and form shown in either Part I, Part II, Part V or Part VI of Schedule 5, all numerals incorporated in the signs shown in the diagrams in Schedule 1 shall have the proportions and form shown in Part III or Part VII of Schedule 5 and all other characters

incorporated in the signs shown in the diagrams in Schedule 1 shall have the proportions and form shown in Part IV or Part VIII of Schedule 5.

(2) Letters and numerals used for the purposes of indicating a route number on the sign shown in diagram 738 and on any sign shown in a diagram in Part V of Schedule 1 shall have the proportions and form shown in Part IX of Schedule 5.

(3) Any arrow to be used in a sign shown in diagram 908 and any other sign of a directional nature shown in a diagram in Schedule 1 which is mounted over the carriageway shall have the proportion and form of the arrow secondly shown in Part IV or Part VIII in Schedule 5.

### *Illumination of signs by lighting*

15.—(1) The provisions of the following paragraphs of this Regulation in their application to the signs shown in diagrams 521, 606, 609, 612 to 614, 616 and 809 are subject to the provisions of Regulation 16.

(2) The signs shown in diagrams 612 to 614—

(a) when fixed to light signals as prescribed by Regulation 31 or by Regulation 31 as varied by Regulation 32 shall be illuminated at all times by a means of internal lighting, and

(b) when not so fixed shall be illuminated throughout the hours of darkness by a means of internal or external lighting unless the signs are placed only temporarily on a road for the purposes of a temporary statutory provision or by reason of the execution of works or any obstruction on a road or some emergency.

(3) The sign shown in diagram 606—

(a) when fixed to light signals mentioned in the last paragraph shall be illuminated at all times by a means of internal lighting,

(b) when mounted in a bollard shall be illuminated throughout the hours of darkness by a means of internal or external lighting, and

(c) when not fixed or mounted as aforesaid, but when erected on a road within 50 yards of a street lamp lit by electricity shall be illuminated throughout the hours of darkness by a means of internal or external lighting unless the sign is placed only temporarily on the road for the purposes of a temporary statutory provision or by reason of the execution of works or any obstruction on a road or some emergency.

(4) The signs shown in diagrams 609 to 611, and 616—

(a) when mounted in a bollard shall be illuminated throughout the hours of darkness by a means of internal or external lighting, and

(b) when not mounted as aforesaid, but when erected on a road within 50 yards of a street lamp lit by electricity shall be illuminated throughout the hours of darkness by a means of internal or external lighting unless the signs are placed only temporarily on the road for the purposes of a temporary statutory provision or by reason of the execution of works or any obstruction on a road or some emergency.

(5) The signs shown in diagrams 521 and 809 when erected on a road within 50 yards of a street lamp lit by electricity shall be illuminated throughout the hours of darkness by a means of internal or external lighting unless in the case of the sign shown in diagram 521 it is placed only temporarily on the road for the purposes of a temporary statutory provision or by reason of the execution of works or any obstruction on a road or some emergency.

(6) The sign shown in diagram 814 shall be illuminated throughout the hours of darkness by a means of internal or external lighting.



(7) The sign shown in diagram 828 shall be illuminated by a means of internal lighting only during such times as it is necessary that the sign shall be illuminated for the purpose of indicating the information shown in the diagram relating to that sign.

(8) The signs shown in diagrams 560 and 561 shall not be illuminated by the fitting of a means of internal or external lighting.

(9) Subject to the foregoing paragraphs of this Regulation and to Regulation 19 every sign shown—

(a) in a diagram in Part I and Part II of Schedule 1 other than the signs shown in diagrams 515, 536, 539 to 542, 545, 548 to 552, 554, 557 to 559, 562, 564 to 569, 603 to 605, 615 and 633 to 644, and

(b) in diagrams 701 to 712, 718 to 723, 727 and 729 to 731,

when erected on a road within 50 yards of a street lamp lit by electricity shall be illuminated throughout the hours of darkness by a means of internal or external lighting unless the sign is placed only temporarily on the road for the purposes of a temporary statutory provision or by reason of the execution of works or any obstruction on a road or some emergency.

(10) Subject to the foregoing paragraphs of this Regulation and to the provisions of Regulation 19, any sign shown in a diagram in Schedule 1 may be illuminated by a means of internal or external lighting.

(11) Subject to the provisions of Regulation 19, where any sign shown in a diagram in Schedule 1 is to be illuminated by a means of external lighting, that means shall be either fitted to the sign or to the structure on which it is mounted or otherwise specially provided.

16. Where a sign shown in any of the diagrams 521, 606, 609, 612 to 614, 616 and 809 is placed on a road in connection with a statutory prohibition, restriction or requirement relating to vehicular traffic which does not apply at all times, the sign shall be illuminated by a means of internal or external lighting only during such times that it is necessary for the purposes of that prohibition restriction or requirement that the sign shall be visible from a reasonable distance to drivers of approaching motor vehicles.

*Illumination of signs shown in diagrams 560 and 561 by reflectors etc.*

17.—(1) The sign shown in diagram 560 shall be illuminated by the use of red reflectors when the sign indicates the near side edge of the carriageway or an obstruction near that edge and by the use of white reflectors when that sign indicates the off side edge of the carriageway or an obstruction near that edge unless the said sign is illuminated by the use of reflecting material in accordance with the provisions of the next paragraph of this Regulation.

(2) The said sign may and the sign shown in diagram 561 shall be illuminated by the use of red reflecting material extending over the whole surface when the sign indicates the near side edge of the carriageway or an obstruction near that edge and by the use of white reflecting material extending as aforesaid when that sign indicates the off side edge of the carriageway or an obstruction near that edge.

*Illumination of signs by reflecting material*

18.—(1) Nothing in this Regulation shall apply to the signs shown in diagrams 536, 560 and 561, or to any sign shown in any other diagram in Schedule 1 which is at any time illuminated by lighting in accordance with the provisions of Regulation 15 or 16.

(2) Subject to the provisions of the last and the next paragraph and of Regulation 19, every sign shown in a diagram in Schedule 1 shall be illuminated by the use of reflecting material in accordance with the provisions of paragraphs (5), (6) and (7) of this Regulation.

(3) The requirements of the last preceding paragraph shall not apply to the signs shown in diagrams 637 to 641, 643, 644, 739, 740, 742, 826, 833 to 836 and 841 to 843, and shall not apply to any signs shown in diagrams 636, 642, 734 to 736, 743 to 746, 801 to 808, 810, 812, 813, 815 to 820, 827, 829 to 832 and 840 if any such sign is so illuminated by street lighting throughout the hours of darkness as to be legible from a reasonable distance by drivers of approaching motor vehicles.

(4) Subject to the foregoing paragraphs of this Regulation and to Regulation 19, any sign shown in a diagram in Schedule 1 other than those shown in diagrams 637 to 641 may be illuminated by the use of reflecting material in accordance with the following provisions of this Regulation.

(5) Subject to paragraph (6) of this Regulation, where reflecting material is used on any sign shown in a diagram in Schedule 1 it shall be of the same colour as that of, and extend throughout, that part of the sign to which it is applied:

Provided that—

- (a) no reflecting material shall be applied to any part of a sign coloured black,
- (b) no reflecting material shall be applied to that part of any sign shown in Part III of Schedule 1 which is coloured green, and
- (c) no reflecting material shall be applied to that part of the sign shown in diagram 738 or to that part of any sign shown in Part V of Schedule 1 which is coloured blue.

(6) Where in accordance with the last paragraph, different colours of reflecting material are used immediately adjacent to one another on the same sign, a gap of not more than  $\frac{3}{4}$  of an inch in width nor less than  $\frac{1}{4}$  of an inch in width may be left between the different colours of reflecting material.

(7) In the case of the signs shown in diagrams 515 and 569 white reflecting material shall be applied to the white chevrons.

#### *Additional provisions as to illumination*

19.—(1) Where a sign shown in a diagram in Schedule 1 (not being a sign consisting of a plate) is illuminated by a means of lighting in accordance with the provisions of Regulations 15 or 16 and a plate shown in a diagram in that Schedule is used in conjunction with that sign, the said plate shall, unless the means of lighting provided for the illumination of the sign adequately illuminates the plate, be illuminated during such times as the sign is illuminated by a means of lighting and that means of lighting shall accord with that one of the methods of lighting, namely, internal or external adopted for the illumination of the sign.

(2) Where a sign shown in a diagram in Schedule 1 (not being a sign consisting of a plate) is illuminated by the use of reflecting material in accordance with the provisions of Regulation 18 and a plate shown in a diagram in that Schedule other than those shown in diagrams 637 to 641 is used in conjunction with that sign, the said plate shall be illuminated by the use of reflecting material in accordance with the provisions of paragraph (5) of the said Regulation 18.

## SECTION IV

*Traffic Signs shown in Schedule 2**Road markings*

20.—(1) Subject to the provisions of these Regulations, a traffic sign consisting of a line or mark on a road (in these Regulations referred to as a “road marking”) for conveying to traffic on roads a warning, a requirement or information of the description specified under a diagram (other than diagrams 1003 and 1013) in Schedule 2 shall be of the size and type shown in the diagram relating to that warning, requirement or information:

(2) In diagrams 1001, 1004, 1009, 1010, 1013, 1019 to 1022, 1024, 1038 and 1039 the dimensions indicated in brackets against dimensions not so indicated may be treated as an alternative to the last mentioned dimensions.

*Particular road markings*

21. A road marking for conveying to vehicular traffic the requirement specified in paragraph (2) of the next succeeding Regulation shall be of the size and type shown in diagram 1003.

22.—(1) For the purposes of this Regulation—

“minor road” means a road at a road junction on which road are placed the transverse lines shown in diagram 1003;

“major road” means the road at a road junction into which road emerges vehicular traffic from a minor road.

(2) The requirement conveyed by the said transverse lines, whether or not they are used in conjunction with the sign shown in diagram 602, shall be that no vehicle shall proceed past such one of those lines as is nearest to the major road into that road in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle to change its speed or course in order to avoid an accident with the first-mentioned vehicle.

23.—(1) A road marking for conveying the requirements specified in the next succeeding paragraph and the warning specified in paragraph (5) of this Regulation shall be of the size and type shown in diagram 1013.

(2) The requirements conveyed by the road marking mentioned in the last preceding paragraph shall be that—

(a) subject to the provisions of paragraph (3) of this Regulation, no vehicle shall stop on any length of road along which the marking has been placed at any point between the two ends of the marking; and

(b) subject to the provisions of paragraph (4) of this Regulation every vehicle proceeding on any length of road along which the marking has been so placed that, as viewed in the direction of travel of the vehicle, the continuous line is on the left of a dotted line or a continuous line shall be so driven as to keep the first-mentioned continuous line on the right hand or off side of the vehicle.

(3) Nothing in sub-paragraph (a) of the last preceding paragraph shall apply—

(a) so as to prevent a vehicle stopping on any length of road so long as may be necessary—

(i) to enable a person to board or alight from the vehicle,

(ii) to enable goods to be loaded on to or to be unloaded from the vehicle,  
or

(iii) to enable the vehicle, if it cannot be used for such purpose without stopping on that length of road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or near to that length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telegraph Act 1878(a),

so, however, that no vehicle shall be enabled by virtue of this sub-paragraph to stop for any of the purposes at (i), (ii) or (iii) above on a part of that length of road, not being a lay-by or a road verge, if it is reasonably practicable to stop the vehicle for that purpose on a part of that length of road, being a lay-by or a road verge;

(b) to a vehicle used for fire brigade, ambulance or police purposes;

(c) to a pedal bicycle not having a sidecar attached thereto, whether additional means of propulsion by mechanical power are attached to the bicycle or not;

(d) to a vehicle stopping in any case where the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control; or

(e) to anything done with the permission of a police constable in uniform.

(4) Nothing in sub-paragraph (b) of paragraph (2) of this Regulation shall apply so as to prevent a vehicle crossing or straddling the continuous line first mentioned in that sub-paragraph for the purpose of obtaining access to any other road joining the length of road along which the line is placed or to land or premises situated on or adjacent to the said length of road or if it is necessary to do so—

(a) in order to pass a stationary vehicle, or owing to circumstances outside the control of the driver or in order to avoid an accident, or

(b) for the purpose of complying with any direction of a police constable in uniform.

(5) The warning conveyed by the road marking mentioned in paragraph (1) of this Regulation shall be that no vehicle while travelling next to a dotted line placed on the left, as viewed in the direction of travel of the vehicle, of a continuous line should cross or straddle the first mentioned line unless it is seen by the driver of the vehicle to be safe to do so.

#### *Colour of road markings*

24.—(1) Subject to the provisions of this Regulation, the road markings shown in the diagrams in Schedule 2 shall be white.

(2) Road markings shown in diagrams 1015 to 1021 shall be yellow.

(3) Road markings shown in diagrams 1030 and 1031 when consisting of studs may be silver instead of white.

#### *Use of reflecting material and studs with reflectors on road markings*

25.—(1) The road markings shown in diagrams 1012 to 1014 shall be illuminated with reflecting material and along the length of and between the two

lines constituting the marking shown in diagram 1013 there shall be fitted studs incorporating reflectors:

Provided that—

- (a) until the 31st December 1966 it shall not be necessary for the road markings shown in the diagrams 1013 and 1014 to be illuminated with reflecting material; and
  - (b) until the 31st December 1969 studs incorporating reflectors may be fitted either to the marking shown in diagram 1013 or along the length of or between the two lines constituting the marking.
- (2) Subject to the foregoing provisions of this Regulation, any road marking may be illuminated with reflecting material and studs incorporating reflectors may be fitted to the markings shown in diagrams 1004 to 1007, 1010 and 1012.
- (3) Reflectors incorporated in studs shall be white except that in the case of the reflectors fitted to the markings shown in diagrams 1010 and 1012 they may be red where the near side of the carriageway is indicated to drivers of approaching motor vehicles.

#### *Height of road markings*

26.—(1) Road markings consisting only of studs and shown in either of the diagrams 1030 and 1031 shall not project above the surface of the carriageway in the immediate vicinity more than  $\frac{3}{8}$  of an inch at their highest points nor more than  $\frac{1}{4}$  of an inch at their edges.

(2) Road markings other than those referred to in the preceding paragraph shall not project above the surface of the carriageway in the immediate vicinity more than  $\frac{1}{4}$  of an inch.

(3) Studs incorporating reflectors fitted to any of the road markings in accordance with the last preceding Regulation may project above the surface of the carriageway in the immediate vicinity by not more than 1 inch at their highest points.

## SECTION V

### *Miscellaneous Traffic Signs*

#### *Certain temporary signs*

27.—(1) Notwithstanding the provisions of Regulation 9 and subject to the succeeding paragraphs of this Regulation, signs placed temporarily on or near a road—

- (a) for conveying to traffic—
  - (i) information as respects deviations of, or alternative traffic routes,
  - (ii) information as respects the route which may conveniently be followed on the occasion of a sports meeting, exhibition or other public gathering, in each case attracting a considerable volume of traffic, or
  - (iii) a warning of works being executed on or near a road or any obstruction on a road;
- (b) for conveying to vehicular traffic any prohibition, restriction or requirement of a description required for the purposes of a temporary statutory provision; or
- (c) pending the erection of any permanent sign prescribed by these Regulations, for conveying to traffic the indication which such a permanent sign indicates,

may be of such size, colour and type as is specified in the following provisions of this Regulation.

(2) Every such sign placed as aforesaid (hereinafter referred to as a "temporary sign") shall be of a shape which—

- (a) is rectangular;
- (b) is rectangular, but with the corners rounded; or
- (c) is rectangular, but with one end pointed.

(3) Every temporary sign shall be of such size as is necessary to accommodate the wording, numerals and arrows or chevrons appropriate to the purpose for which it is placed as aforesaid and any arms, badge, device, words or letters incorporated in the sign in accordance with the provisions of paragraph (6) of this Regulation.

(4) Every letter and numeral incorporated in a temporary sign other than any letter incorporated in the sign in accordance with the provisions of paragraph (6) of this Regulation shall be not less than  $1\frac{1}{2}$  inches nor more than 10 inches in height, and every arrow so incorporated shall be not less than 10 inches nor more than 20 inches in length except that where an arrow is incorporated in the index part of a sign with a pointed end such arrow shall be not less than 4 inches nor more than 8 inches in length.

(5) Every letter, numeral, arrow or chevron incorporated in a temporary sign shall be—

- (a) black on a background of white, silver or yellow; or
- (b) white or silver on a blue background.

(6) There may be incorporated in or attached to a temporary sign the arms, badge or other device of a highway authority, police authority or the Royal Automobile Club, the Royal Scottish Automobile Club or the Automobile Association or words or letters indicating the highway authority or that the sign is a police sign.

(7) No sign shall by virtue of this Regulation convey to traffic any warning, requirement, restriction or prohibition of a description which can be so conveyed either by a sign shown in a diagram in Part I or Part II of Schedule 1 or by a sign so shown used in combination with or in conjunction with another sign shown in such a diagram.

### *Flashing beacons*

**28.**—(1) Beacons showing an intermittent amber light for conveying the warning that drivers of vehicles should take special care may be used in combination with or in conjunction with any of the signs specified in the last preceding Regulation or with any of the signs shown in diagrams 562 to 569, subject to the following conditions:—

- (i) the dimensions of the lenses shall be not less than 5 inches nor more than 8 inches measured in a straight line in any direction;
- (ii) the height of the centre of the lenses from the surface of the carriageway in the immediate vicinity shall be not less than 4 feet nor more than 8 feet;
- (iii) the rate of flashing shall be not less than 50 flashes per minute and the period between flashes shall not exceed  $\frac{6}{10}$ ths of a second; and
- (iv) the structure, if any, on which the beacons are supported shall be coloured black and white in alternate sloping bands.

(2) Until the 31st December 1966 beacons showing an intermittent red light supported on a structure coloured either black and white or red and white either in alternate horizontal bands or alternate sloping bands but otherwise complying with the provisions of the last preceding paragraph may be used for the purpose and in the circumstances mentioned in that paragraph.

(3) Beacons showing an intermittent blue light for conveying the warning that drivers of vehicles should take special care may be used in combination with or in conjunction with any of the signs shown in diagrams 633 to 635 subject to the same conditions specified in paragraph (1) of this Regulation.

### *Cones*

29. A device constructed of rubber or flexible plastic material and being of a cone shape for conveying the warning that drivers of vehicles should follow a certain route round an obstruction or road works in a road may be placed temporarily on the carriageway thereof subject to the following conditions:—

- (a) the height of the device shall be not more than 2 feet 6 inches nor less than 1 foot 6 inches;
- (b) the device shall be coloured white except that—
  - (i) the uppermost part of the device to a depth of not less than one quarter nor more than one third of the height thereof shall be coloured red, and
  - (ii) the lowermost part of the device (excluding the base) to a height of 2 inches shall be coloured red; and
- (c) that part of the device coloured white shall be illuminated with white reflecting material.

### *Refuge indicator lamps*

30. A lamp in the form of an illuminated spherical globe for conveying the warning that drivers of vehicles are approaching a street refuge may be used subject to the following conditions:—

- (a) the globe shall be white;
- (b) the globe shall have a diameter of 12 inches; and
- (c) the height of the centre of the globe from the surface of the carriageway in the immediate vicinity shall be not less than 12 feet 6 inches nor more than 16 feet.

### *Light signals for vehicular traffic*

31.—(1) Light signals may be used for the control of vehicular traffic and shall be of the size, colour and type prescribed either by paragraph (2) or by paragraph (3) of this Regulation.

(2) The size, colour and type of light signals prescribed by this paragraph shall be as follows:—

- (a) three lights shall be used, one red, one amber and one green;
- (b) the lamps showing the coloured lights aforesaid shall be arranged vertically, the lamp showing a red light being the uppermost and that showing a green light the lowermost;
- (c) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 8 inches nor more than 8½ inches;

- (d) the height of the centre of the green lens from the surface of the carriageway in the immediate vicinity shall be in the case of signals placed at the side of the carriageway or on a street refuge not less than 7 feet nor more than 11 feet 6 inches and in the case of signals placed elsewhere and over the carriageway not less than 17 feet nor more than 20 feet;
- (e) the centres of the lenses shall be not more than 14 inches apart;
- (f) the word " STOP " in black lettering shall be placed upon the lens of the lamp showing a red light and no other lettering shall be used upon the lenses or in connection with a light signal;
- (g) the sequence of the signal lights shown for the purpose of controlling vehicular traffic shall be as follows:—
  - (i) red,
  - (ii) amber and red together,
  - (iii) green,
  - (iv) amber.

(3) The size, colour and type of light signals prescribed by this paragraph shall be as follows:—

- (a) two lamps each showing an intermittent red light shall be used;
- (b) the lamps shall be arranged horizontally so that there is a distance of not less than 1 foot 9 inches nor more than 2 feet 3 inches between the centres of the lenses of the lamps;
- (c) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 8 inches nor more than 8½ inches;
- (d) when the signal is operated, each lamp shall show its intermittent red light at a rate of flashing of not less than 54 nor more than 66 flashes per minute, and in such a manner that the light of one lamp is always shown at a time when the light of the other lamp is not shown;
- (e) the height of the centre of each lens from the surface of the carriageway in the immediate vicinity shall be in the case of signals placed at the side of the carriageway or on a street refuge not less than 7 feet nor more than 11 feet 6 inches and in the case of signals placed elsewhere and over the carriageway not less than 17 feet nor more than 20 feet;
- (f) the word " STOP ", in black lettering, shall be placed upon the lens of each lamp and no other lettering shall be used upon the lens.

(4) Light signals prescribed by the last foregoing paragraph may be surmounted by a cross of the size, colour and type shown in diagram 542.

32.—(1) A lens or lenses of the size and colour shown in diagram 1 in Schedule 3 which, when illuminated, shows a green arrow—

- (a) may be substituted for the lens showing the green light in the light signals referred to in paragraph (2) of Regulation 31 in any of the methods shown in diagrams 3, 5, 6 and 7 in the said Schedule; or
- (b) may be affixed to the light signals referred to in paragraph (2) of the said Regulation 31 or to those signals as altered in accordance with the preceding sub-paragraph of this Regulation in any of the methods shown in diagram 2 and diagrams 4 to 9 in the said Schedule.

(2) The direction in which the arrow shown in diagram 3 in the said Schedule points may be varied so as to be—

- (a) a direction which lies straight upright, or



- (b) a direction which lies at any angle between 90 degrees either to the left or to the right of the said upright direction.
- (3) The direction in which any arrow shown in any of the diagrams 2 and 4 to 7 in the said Schedule points may be varied so as to be—
  - (a) a direction which lies straight upright, or
  - (b) a direction which lies between the direction shown in the diagram showing that arrow and the said upright direction.

*Portable light signals for vehicular traffic*

33.—(1) Portable light signals may be used for the control of vehicular traffic—

- (a) where, owing to roadworks being in progress or for some other reason, the width of the carriageway is temporarily restricted so that it will carry only one line of traffic, or
  - (b) during the progress of temporary schemes of traffic control, if the signals are in the control of the police.
- (2) Subject to the provisions of paragraph (4) of this Regulation, such light signals shall comply either—
- (a) with the provisions of sub-paragraphs (a), (b), (c), (e), (f) and (g) of paragraph (2) of Regulation 31 and sub-paragraph (d) of paragraph (3) of this Regulation, or
  - (b) with all the provisions of the said paragraph (3).
- (3) (a) Two lights shall be used, one red and the other green;
- (b) the lamps showing the coloured lights aforesaid shall be arranged vertically, the lamp showing a red light being uppermost;
- (c) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 8 inches nor more than 8½ inches;
- (d) the height of the centre of the green lens from the surface of the carriageway in the immediate vicinity shall be not less than 5 feet nor more than 11 feet 6 inches;
- (e) the centres of the lenses shall be not more than 28 inches apart;
- (f) the word “STOP” in black lettering shall be placed upon the lens of the lamp showing a red light and where the signals are in the control of the police appropriate words indicating that the signals are police signals may be used; and
- (g) the red and green lights shall not be shown together and one shall follow the other without any appreciable interval of time.
- (4) On and after the 31st December 1969 the alternative provision made by sub-paragraph (b) of paragraph (2) of this Regulation shall cease to have effect.

*Significance of light signals*

34.—(1) The significance of the light signals prescribed by paragraph (2) of Regulation 31 or by Regulation 33 shall be as follows:—

- (a) the red signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals or, if that line is not for the time being visible or there is no stop line, beyond the signals;
- (b) the amber-with-red signal (where an amber signal is provided) shall be taken to denote an impending change in the indication given by the signals

from red to green but shall not alter the prohibition conveyed by the red signal;

- (c) the green signal shall indicate that vehicular traffic may pass the signals and proceed straight on or to the left or to the right;
- (d) the amber signal (when provided) shall, when shown alone, convey the prohibition that vehicular traffic shall not proceed beyond the stop line or, if that line is not for the time being visible or there is no stop line, beyond the signals, except in the case of any vehicle which when the signal first appears is so close to the said line or signals that it cannot safely be stopped before passing the line or signals.

(2) The significance of the light signals prescribed by paragraph (2) of Regulation 31, as varied in accordance with the provisions of Regulation 32, shall be as follows:—

- (a) subject as provided in sub-paragraph (d) of this paragraph, the red signal shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals or if the stop line is not for the time being visible, beyond the signals;
- (b) subject as provided in sub-paragraph (d) of this paragraph, the amber-with-red signal shall denote an impending change in the indication given by the signals from red to green (where a green signal is provided) or from red to a green arrow or arrows but shall not alter the prohibition conveyed by the red signal;
- (c) the green signal (where a green signal is provided) shall indicate that vehicular traffic may pass the signals and proceed straight on or to the left or to the right;
- (d) any green arrow during such time as it is illuminated shall indicate that vehicular traffic may pass the signals and proceed in the direction indicated by the arrow notwithstanding any other indication given by the signals;
- (e) the amber signal shall, when shown alone, convey the prohibition that vehicular traffic shall not proceed beyond the stop line, or, if the stop line is not for the time being visible, beyond the signals, except in the case of any vehicle which when the signal first appears is so close to the said line or signals that it cannot safely be stopped before passing the line or signals.

(3) Vehicular traffic passing any light signals in accordance with the foregoing provisions of this Regulation shall proceed with due regard to the safety of other users of the road and subject to the direction of any police constable in uniform or other duly authorised person who may be engaged in the regulation of traffic.

(4) The significance of the light signals prescribed by paragraph (3) of Regulation 31 shall be that the intermittent red lights convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals or, if the stop line is not for the time being visible, beyond the signals, except in the case of any vehicle which, when the lights first begin to flash, is so close to the line or signals that it cannot safely be stopped before passing the line or signals.

(5) For the purposes of this Regulation the expression “stop line” means the traffic sign shown either in diagram 1001 or, until the 31st December 1966, in diagram No. RM1 mentioned in Regulation 3(1).

*Light signals for pedestrians*

35.—(1) Light signals for conveying to pedestrians the information mentioned in paragraph (4) of this Regulation may be used facing across the carriageway in conjunction with the light signals prescribed by paragraph (2) of Regulation 31 or those light signals as varied in accordance with the provisions of Regulation 32 and, if so used, shall be of the size, colour and type shown in Schedule 4.

(2) The height of the lower edge of the container enclosing the light signals from the surface of the carriageway in the immediate vicinity shall be not less than 7 feet nor more than 8 feet 6 inches.

(3) The said signals shall be so designed that—

(a) the red figure shown in the said Schedule (hereinafter referred to as “ the red signal ”) can be internally illuminated by a steady light;

(b) the green figure shown in the said Schedule (hereinafter referred to as “ the green signal ”) can be internally illuminated by a steady light or by a flashing light, flashing at a rate of not less than 54 nor more than 125 flashes per minute; and

(c) when one signal is illuminated the other signal is not illuminated.

(4) The period during which in the interests of safety—

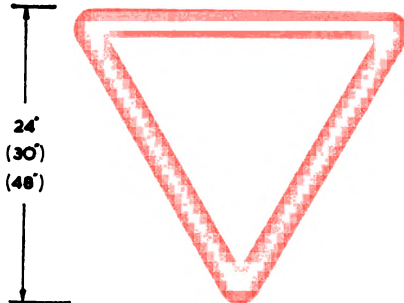
(a) pedestrians should not cross the carriageway shall be shown by the red signal during such time as it is illuminated;

(b) pedestrians should cross the carriageway shall be shown by the green signal during such time as it is illuminated by the steady light; and

(c) pedestrians should not start to cross the carriageway shall be shown by the green signal during such time as it is illuminated by the flashing light.

SCHEDULE 1 (See Regulation 9)

PART I—Warning signs



Junction ahead controlled by sign in diagram 601 or 602 (See Direction 11) 501

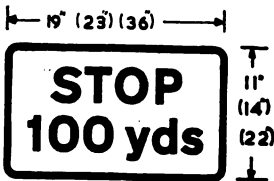


Plate for use with sign in diagram 501 (See Directions 5, 11 and 12) 502

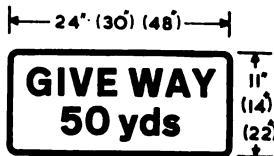
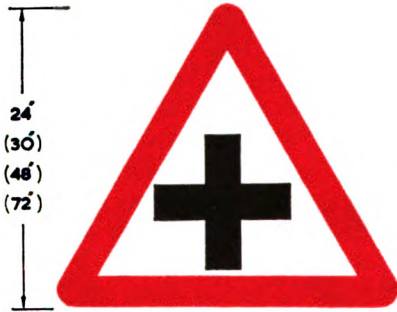


Plate for use with sign in diagram 501 (See Directions 11 and 12) 503

SCHEDULE 1 PART I—Warning signs (contd.)



**Cross roads  
504**



**T junction  
505**



**Side road  
Permitted variant: The symbol may  
be reversed  
506**



**Staggered junction  
Permitted variant: The symbol may  
be reversed  
507**



**Traffic merges  
508**



**Same as 508  
509**

SCHEDULE 1 PART I—Warning signs (contd.)



Roundabout  
510

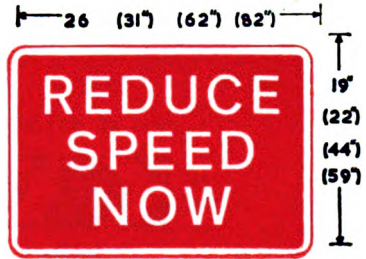


Plate for use with signs in diagrams 510, 512, 513, 514, 516, 517 and 520  
(See Directions 5 and 12)  
511



Bend to the right  
Permitted variant: The symbol may be reversed  
512



Double bend, first to the left  
Permitted variant: The symbol may be reversed  
513

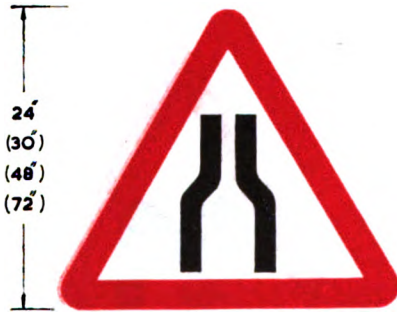


Series of bends  
514

SCHEDULE 1 PART I—Warning signs (contd.)



Sharp deviation of route to the left  
**515**



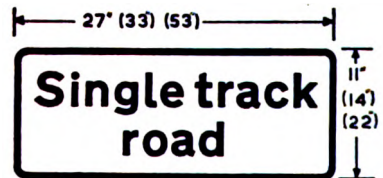
Road narrows on both sides  
**516**



Road narrows on offside  
Permitted variant: The symbol may be reversed  
**517**



Convergence of traffic to single file  
Plate for use with signs in diagrams 516 and 517  
(See Direction 12)  
**518**

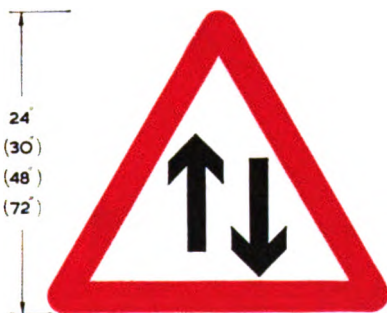


Road only wide enough for one line of vehicles  
Plate for use with signs in diagrams 516 and 517  
(See Direction 12)  
**519**

SCHEDULE 1 PART I—Warning signs (contd.)



Dual carriageway ends  
520



Two-way traffic  
521



Two-way traffic across a one-way  
carriageway  
522



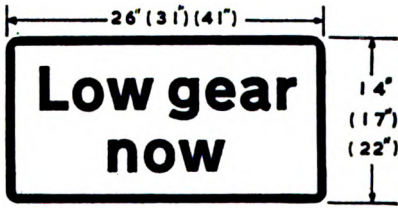
Steep hill downwards  
523



Steep hill upwards  
524



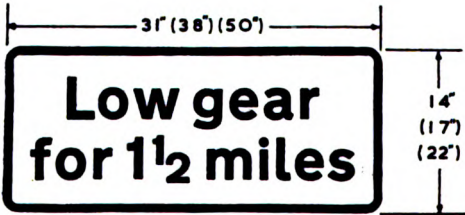
SCHEDULE 1 PART I—Warning signs (contd.)



Existence of very steep hill  
 Plate for use with signs in diagrams  
 523 and 524  
 (See Direction 12)  
 525



Continued existence of very steep hill  
 Plate for use with signs in diagrams  
 512, 513, 523 and 524  
 (See Direction 12)  
 526



Existence of long steep hill  
 Plate for use with signs  
 in diagrams 523 and 524  
 (See Direction 12)  
 527



Hump bridge  
 528

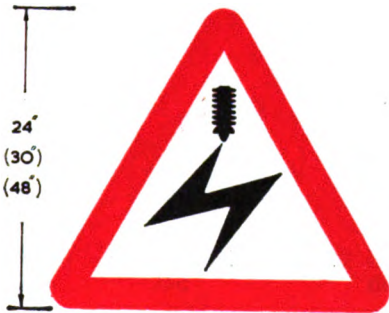
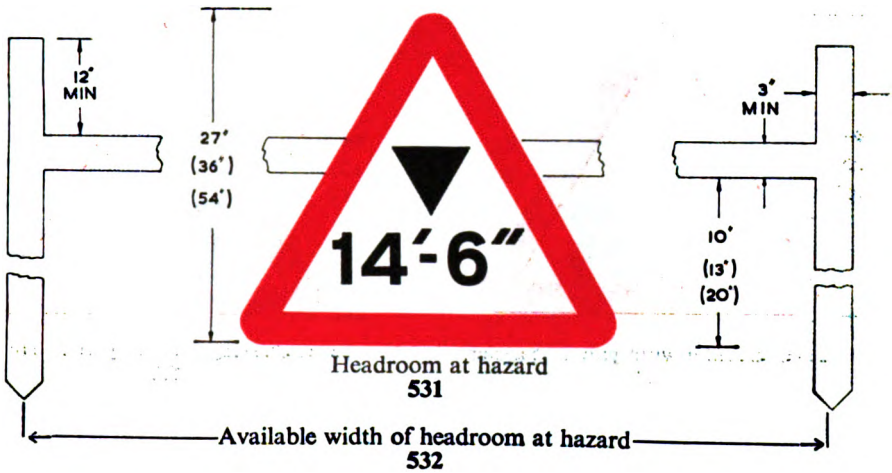


Opening or swing bridge  
 529



Height limit  
 530

SCHEDULE 1 PART I—Warning signs (contd.)



Overhead cable  
(See Direction 11)  
533

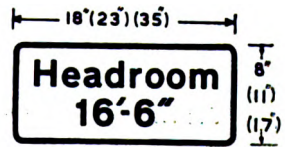


Plate for use with sign in  
diagram 533  
(See Directions 11 and 12)  
534

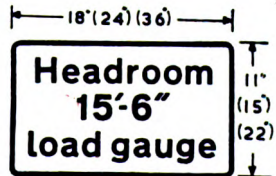
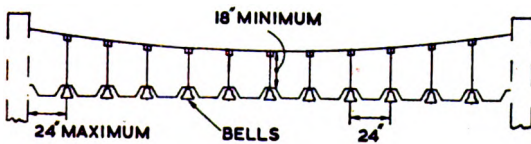


Plate for use with sign in  
diagram 533  
(See Directions 11 and 12)  
535



Load gauge to afford audible warning of the  
maximum safe height of vehicles about to pass  
under electrified overhead cables  
(See Direction 22)  
536

SCHEDULE 1 PART I—Warning signs (contd.)



Level crossing with gate or barrier  
537



Level crossing without gate or barrier  
538



Concealed level crossing ahead  
539

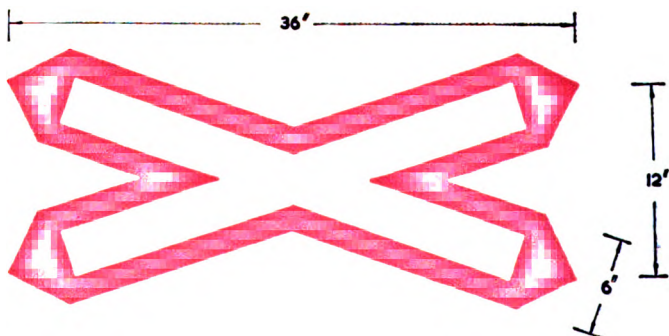


Same as 539  
540



Same as 539  
541

Permitted variant: In the signs in diagrams 539, 540 and 541 the slope of the bars may be reversed



Location of level crossing without gate or barrier  
542

SCHEDULE 1 PART I—Warning signs (contd.)



24'  
(30)  
(48)

**Traffic signals ahead**  
(See Direction 5)  
**543**



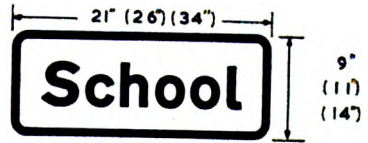
24'  
(30)  
(48)

**Pedestrian crossing ahead**  
(See Direction 5)  
**544**

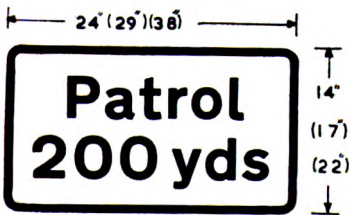


24'  
(30)  
(48)

**Children**  
(See Directions 5 and 15)  
**545**



**Plate for use with sign in diagram**  
**545**  
(See Direction 12)  
**546**



**Plate for use with sign in diagram**  
**545**  
(See Directions 12 and 15)  
**547**



24'  
(30)  
(48)

**Cattle**  
(See Direction 5)  
**548**

SCHEDULE 1 PART I—Warning signs (contd.)



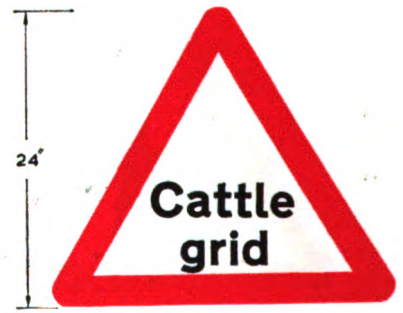
Sheep  
(See Direction 5)  
549



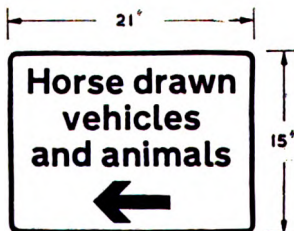
Horses or ponies  
(See Direction 5)  
550



Wild animals  
(See Direction 5)  
551



552



By-pass of cattle grid  
Plate for use with sign in  
diagram 552  
(See Direction 12)  
553



Permitted variants: Flood, Try your  
brakes, Gate or Gates may be  
substituted for Ford  
554

SCHEDULE 1 PART I—Warning signs (contd.)



Quayside or river bank  
555



Uneven road  
556



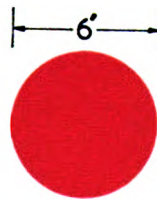
Slippery road  
(See Direction 16)  
557



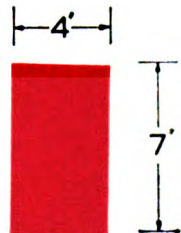
Low flying aircraft or sudden aircraft  
noise  
558



Falling or fallen rocks  
Permitted variant: The symbol may  
be reversed  
559



Hazard marker  
to indicate edge  
of carriageway  
or obstruction  
near that edge  
(See  
Direction 23)  
560



Same as 560  
(See Direction 23)  
561



**Other danger**  
(See Direction 11)  
**562**

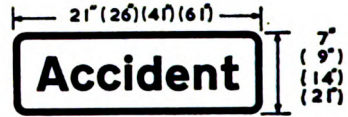


Plate indicating nature of other danger, for use with sign in diagram 562

Permitted variants: Surveying, Blasting, Gritting, Salting, Tree cutting, Smoke, Dust cloud, Fog, Ice or Frost damage may be substituted for Accident (See Directions 11 and 12)  
**563**



**Road works**  
(See Direction 17)  
**564**



Permitted variants: Slow wet tar, Temporary road surface, Traffic control ahead or Road closed may be substituted for Slow loose chippings (See Direction 17)  
**565**

SCHEDULE 1 PART I—Warning signs (contd.)



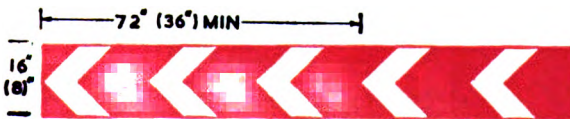
(See Direction 17)  
566



Permitted variant: Right  
may be substituted for Left  
(See Direction 17)  
567



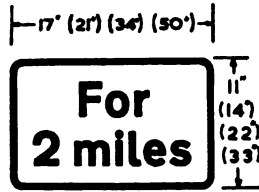
(See Direction 17)  
568



Deviation of route to the left at or near road works or  
other temporary obstruction  
(See Direction 17)  
569



SCHEDULE 1 PART I—Warning signs (contd.)



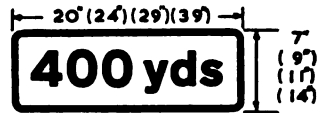
Distance over which hazard or prohibition extends

Plate for use with signs in diagrams 514, 523, 524, 548 to 551, 554 (when varied to Flood), 557 to 559, 564, 614, 632 and 642

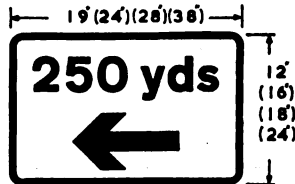
(See Direction 12)  
570



Distance to hazard  
Plate for use with signs in diagrams 504 to 509, 520, 530, 543, 544, 554, and 564  
(See Direction 12)  
571



Same as 571  
(See Direction 12)  
572



Distance and direction to hazard  
Plate for use with signs in diagrams 530 and 554  
(See Direction 12)  
573

SCHEDULE 1 (See Regulation 9)

PART II—Regulatory signs

30' (45') (60')



To indicate to vehicular traffic the requirements prescribed in Regulation 11 (2)  
(See Directions 5, 10, 11 and 25)  
601



27'  
(48')  
(72')

To indicate to vehicular traffic the requirement prescribed in Regulation 11(3)  
(See Directions 10, 11 and 30)  
602

36'



(See Direction 18)  
603

36'



(See Direction 18)  
604

24'



(See Direction 19)  
605

SCHEDULE 1 PART II—Regulatory signs (contd.)

24' (10 1/2') (12') (48') (72')



Proceed in direction indicated by arrow  
(See Direction 6)  
606

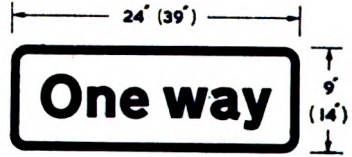


Plate for use with signs in diagrams 606 and 609  
(See Directions 6 and 12)  
607

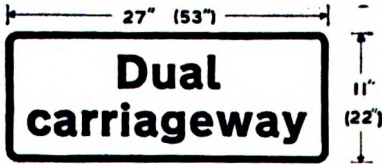


Plate for use with signs in diagrams 606, 609 and 610  
(See Direction 12)  
608

24' (10 1/2') (48') (72')



Turn left ahead  
Permitted variant: The direction of the arrow may be reversed to indicate Turn right ahead  
(See Direction 6)  
609

24' (10 1/2') (48') (72')



Keep left  
Permitted variant: The arrow may be pointed downwards to the right to indicate Keep right  
610



Pass either side  
611

SCHEDULE 1 PART II—Regulatory signs (contd.)

24' (12') (48)



No right turn  
(See Direction 6)  
612

24' (12') (48)



No left turn  
(See Direction 6)  
613

24' (12') (48)



No U turns  
(See Direction 6)  
614

24'



Priority to vehicles from the  
opposite direction  
(See Directions 5 and 18)  
615

30' (10 1/2')



No entry  
(See Direction 6)  
616

24'



All vehicles prohibited in both  
directions  
(See Directions 6 and 11)  
617

SCHEDULE 1 PART II—Regulatory signs (contd.)

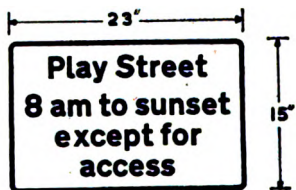


Plate for use with sign in diagram 617  
(See Directions 6, 11 and 12)  
**618**



All motor vehicles prohibited  
(See Direction 6)  
**619**

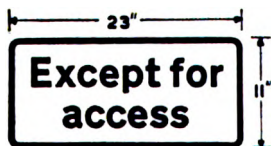


Plate for use with signs in diagrams 619 and 622  
(See Directions 6 and 12)  
**620**



Buses and coaches prohibited  
(See Direction 6)  
**621**



Lorries prohibited  
(See Directions 6 and 11)  
**622**

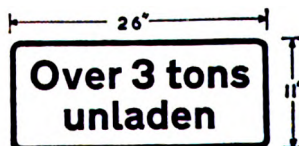
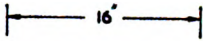
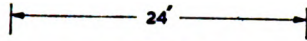


Plate for use with sign in diagram 622  
(See Directions 6, 11 and 12)  
**623**

SCHEDULE 1 PART II—Regulatory signs (contd.)



Cycling and the riding of mopeds prohibited  
(See Direction 6)  
624



Route to be used by cyclists and moped-riders  
(See Direction 6)  
625



Laden weight limit  
(See Direction 6)  
626

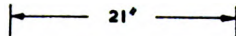
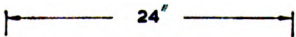
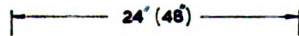


Plate for use with signs in diagrams 626 and 628  
(See Directions 6 and 12)  
627

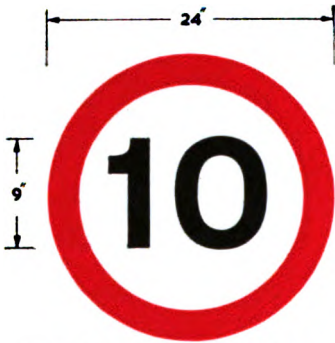


Axle weight limit  
(See Direction 6)  
628



Width limit  
(See Direction 6)  
629

SCHEDULE 1 PART II—Regulatory signs (contd.)



Speed limit for special classes of vehicles  
(See Directions 6 and 11)  
630



Plate for use with sign in diagram 630  
Note: The figure quoted relates to laden weight  
(See Directions 6, 11 and 12)  
631



No overtaking  
(See Direction 6)  
632



633

SCHEDULE 1 PART II—Regulatory signs (contd.)



634



635



20'



No waiting  
(See Direction 6)  
636

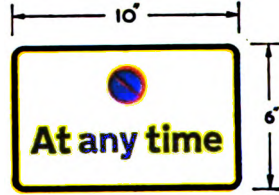


Plate showing continuous  
prohibition on waiting  
(See Directions 6, 13 and 28)  
637

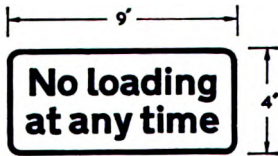


Plate showing continuous  
prohibition on loading and  
unloading  
(See Directions 6, 14 and 29)  
638

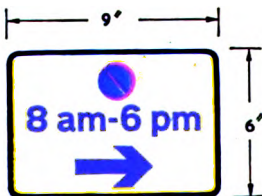


Plate showing hours  
during and direction in which  
waiting is prohibited

(See Directions 6,  
13 and 28)  
639

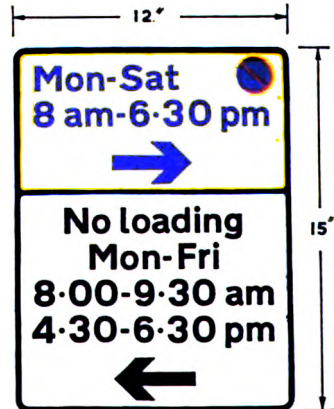


Plate showing (above) times  
during and direction in which  
waiting is prohibited and (be-  
low) times during and direction  
in which loading and  
unloading are prohibited

(See Directions 6, 13, 14, 28  
and 29)  
640

SCHEDULE 1 PART II—Regulatory signs (contd.)



Plate showing hours during which waiting is limited (See Directions 6, 13 and 28)  
**641**



No stopping on carriageway (See Direction 6)  
**642**

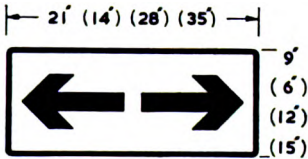


Plate for use with signs in diagrams 636 and 642 to indicate that the restriction or prohibition applies in both directions (See Directions 6 and 12)  
**643**

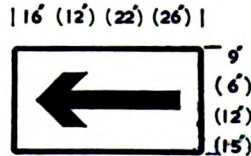
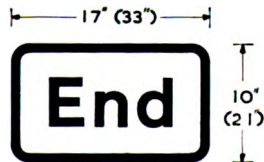


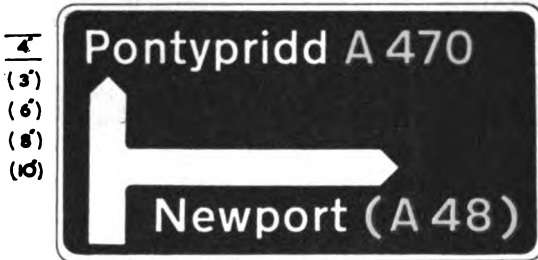
Plate for use with signs in diagrams 636 and 642 to indicate the direction in which the restriction or prohibition applies (See Directions 6 and 12)  
**644**



Plate, showing end of a prohibition, for use with signs in diagrams 614, 632 and 642 (See Directions 6 and 12)  
**645**

## SCHEDULE 1 (See Regulation 9)

## PART III—Directional informatory signs



Route number of and next place of traffic importance on roads extending from a junction ahead. The route shown in brackets is not at the junction but may be reached by proceeding in the direction indicated  
(See Direction 7)

701



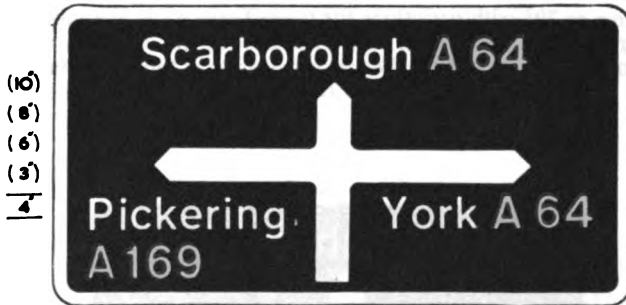
Route number of and next place of traffic importance on a road at a junction  $\frac{1}{2}$  mile ahead  
(See Direction 7)

702

SCHEDULE 1 PART III—Directional informatory signs (contd.)



Route number of and next place of traffic importance on roads extending from a junction immediately ahead  
(See Direction 7)  
703

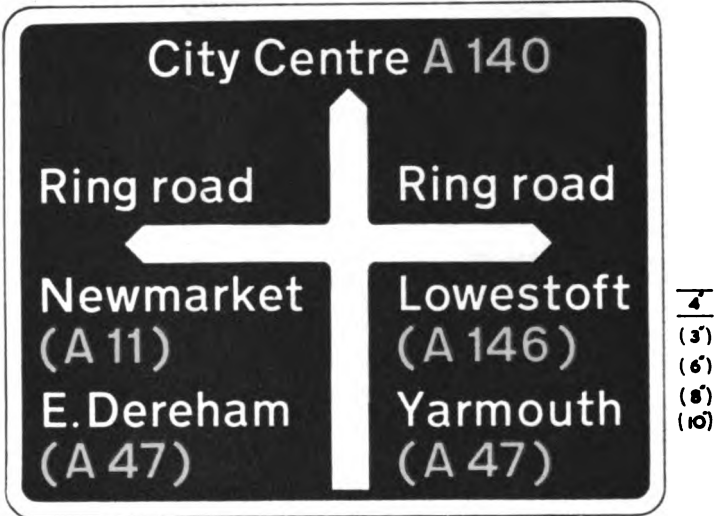


Route number of and next place of traffic importance on roads extending from a junction ahead  
(See Direction 7)  
704

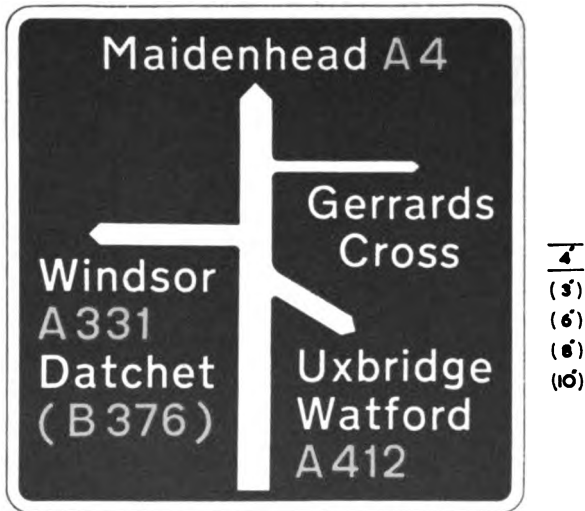


Same as 704  
(See Direction 7)  
705

SCHEDULE 1 PART III—Directional informatory signs (contd.)

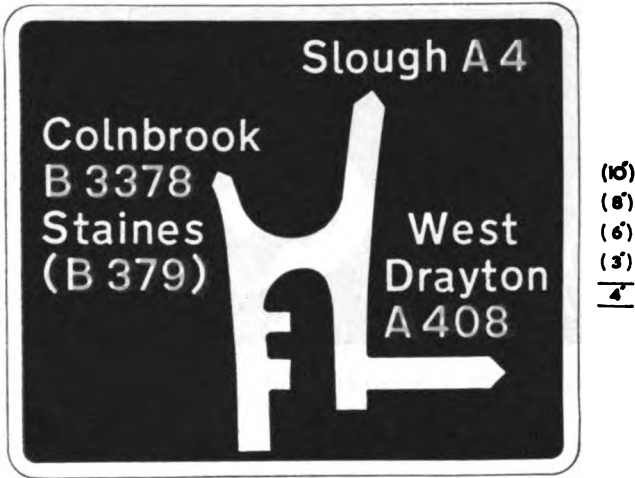


Same as 704 with variations for inward approach to a junction with a ring road or by-pass. Routes shown in brackets are not at the junction but may be reached by proceeding in the direction indicated (See Direction 7)  
706

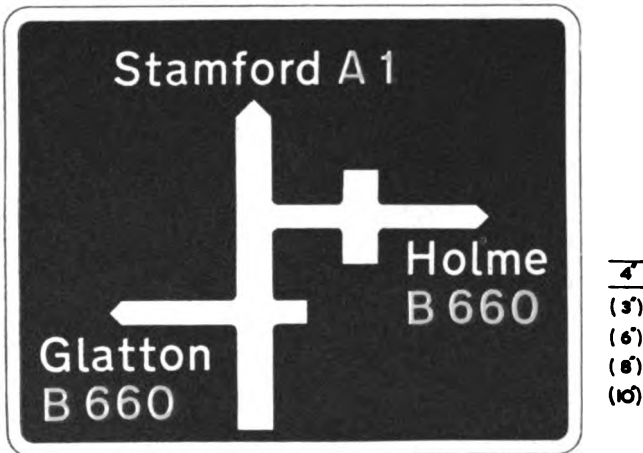


Same as 704 except that the relative importance of each road is shown by differing widths of the route symbol and the route shown in brackets is not at the junction but may be reached by proceeding in the direction indicated (See Direction 7)  
707

SCHEDULE 1 PART III—Directional informatory signs (contd.)



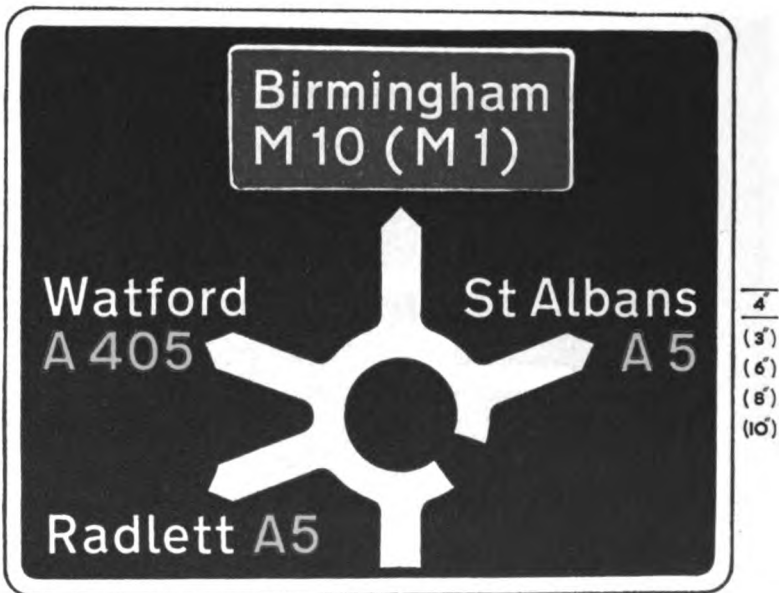
Same as 707  
(See Direction 7)  
708



Route number of and next place of traffic importance on roads extending from a junction on a dual carriageway (See Direction 7)  
709

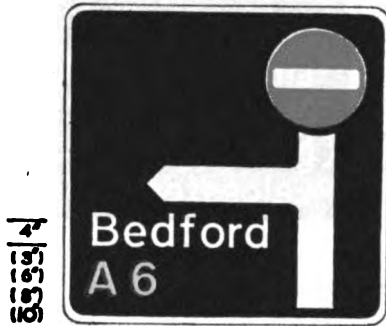


Same as 704 with variations for roundabout junction  
(See Direction 7)  
710



Same as 704 with variations for roundabout junction with a motorway. The motorway route shown in brackets is not at the junction but may be reached by proceeding in the direction indicated  
(See Direction 7)  
711

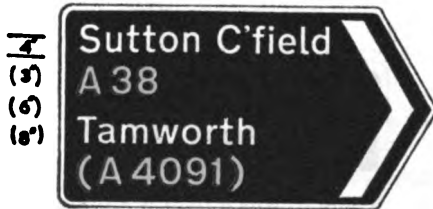
SCHEDULE 1 PART III—Directional informatory signs (contd.)



4  
(3)  
(6)  
(8)  
(10)

Same as 704 with variation for a road where entry is prohibited  
 Permitted variants: The No entry symbol may be replaced by a No right turn or No left turn symbol where appropriate. On non-primary routes the route number, route symbol, place name and border shall be black and the background white  
 (See Directions 6 and 7)

712



4  
(3)  
(6)  
(8)

Direction of route and places. The route shown in brackets may be reached by proceeding in the direction indicated  
 (See Direction 7)

713



(3)  
4  
(6)  
(8)

Direction of route and places  
 Permitted variant: On non-primary routes the legend and border shall be black and the background white  
 (See Direction 7)

714

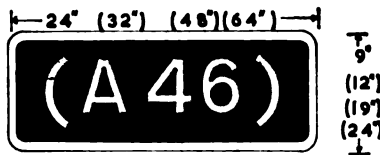


SCHEDULE 1 PART III—Directional informatory signs (contd.)



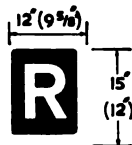
Route number of primary route with names of and distances in miles to places of traffic importance to which it leads. The bracketed name and figures indicate a place which can be reached by a road which branches off the primary route and the distance in miles to that place. Permitted variant: On non-primary routes the legend and border shall be black and the background white  
(See Direction 7)

715



Route to which road is leading  
(See Direction 7)

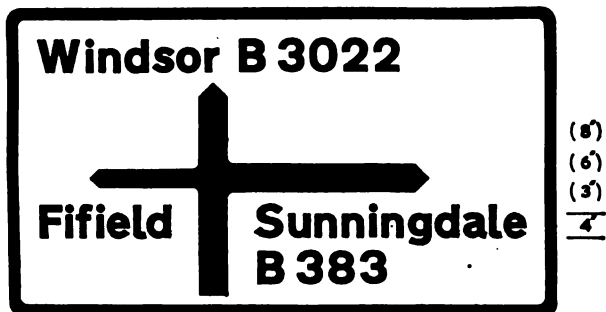
716



Indication that a primary route forms part of a ring road  
(See Direction 7)

717

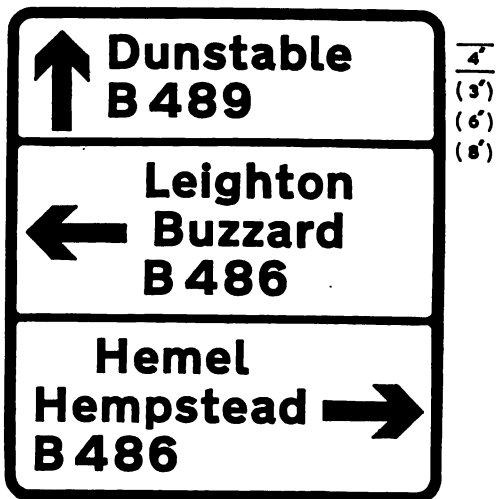
SCHEDULE 1 PART III—Directional informatory signs (contd.)



Same as 704. The relative importance of each road is shown by differing widths of the route symbol (See Direction 7) 718



Same as 701 (See Direction 7) 719



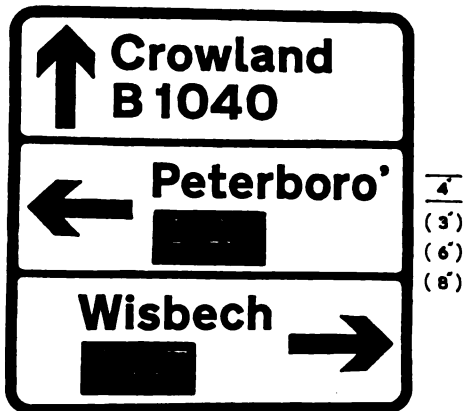
Same as 719 (See Direction 7) 720



Route number of and next place of traffic importance on roads extending from a junction of a motorway with a non-primary route ahead  
 (See Direction 7)  
 721

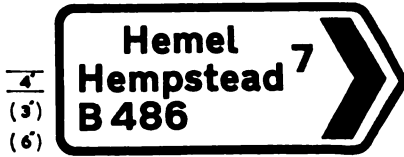


Same as 721 with variation for a junction of a primary route with a non-primary route  
 (See Direction 7)  
 722

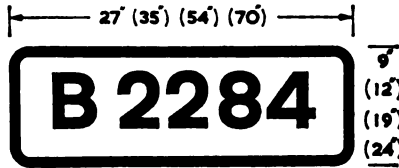


Same as 722  
 (See Direction 7)  
 723

SCHEDULE 1 PART III—Directional informatory signs (contd.)



Direction of non-primary route and mileage to place named  
724



Route number of road  
(See Direction 7)  
725



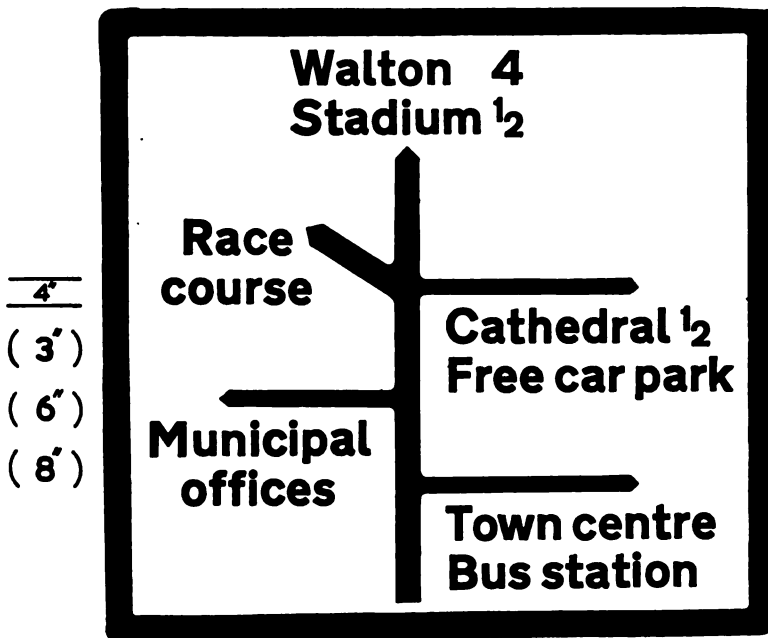
Indication that a non-primary route forms part of a ring road  
(See Direction 7)  
726



Alternative route from junction ahead to place named  
Permitted variants: Avoiding town centre, Coastal route, Alternative route for light cars, Alternative route for heavy vehicles, Avoiding low bridge or Avoiding ford may be substituted for Scenic route  
727



Alternative direction to place named  
Permitted variants: Scenic route, Coastal route, Alternative route for light cars, Alternative route for heavy vehicles, Avoiding low bridge or Avoiding ford may be substituted for Avoiding town centre  
728



Direction from junction ahead to local places with mileage. The relative importance of each road is shown by differing widths of the route symbol

729



Direction from junction ahead to local places with mileage

730

SCHEDULE 1 PART III—Directional informatory signs (contd.)



Direction from junction ahead to local places  
731



Direction to local places with mileage  
732



Direction to airport with mileage  
Permitted variant: The name of the airport may be included  
733



Direction to London Transport station  
734

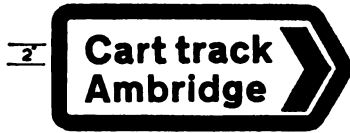


Direction to free car park  
Permitted variant: Free may be omitted  
735



Direction to toilets  
Permitted variant: Ladies toilet or Mens toilet may be substituted for Toilets  
736

SCHEDULE 1 PART III—Directional informative signs (contd.)



Direction to a place which can be reached by a road used as a public path  
737



Direction to motorway  
738



Direction of route for pedestrians to local places where this differs from the route for vehicular traffic  
739



Footpath direction sign with mileage to place indicated  
Permitted variant: Bridlepath or Bridleway may be substituted for Public Footpath  
740

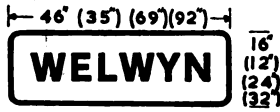


Direction to Ministry of Defence establishment  
741

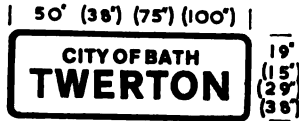
SCHEDULE 1 PART III—Directional informatory signs (contd.)



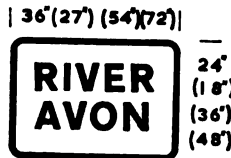
Direction to Ancient Monument  
742



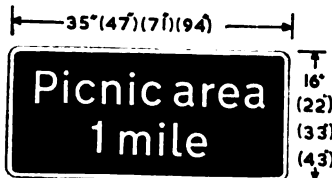
Name of town, village or  
road junction  
743



Name of place and also of  
the place of which it forms  
part  
744



Name of river  
745

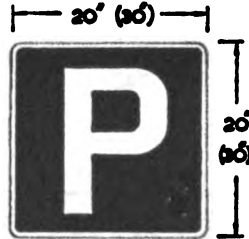


Distance ahead to picnic area  
Permitted variants: Car park,  
Garage parking, Parking or  
Toilets may be substituted for  
Picnic area  
746



SCHEDULE 1 (See Regulation 9)

PART IV—Other informatory signs



**Parking place**  
 Permitted variant: An arrow pointing horizontally left or right may be incorporated to indicate the entrance to an off-street car park  
 801



Plate for use with sign in diagram 801 indicating a picnic area  
 (See Direction 12)  
 802

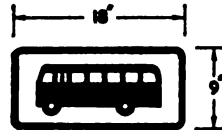


Plate for use with sign in diagram 801 indicating a coach park  
 (See Direction 12)  
 803

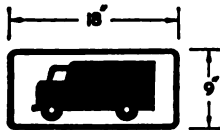
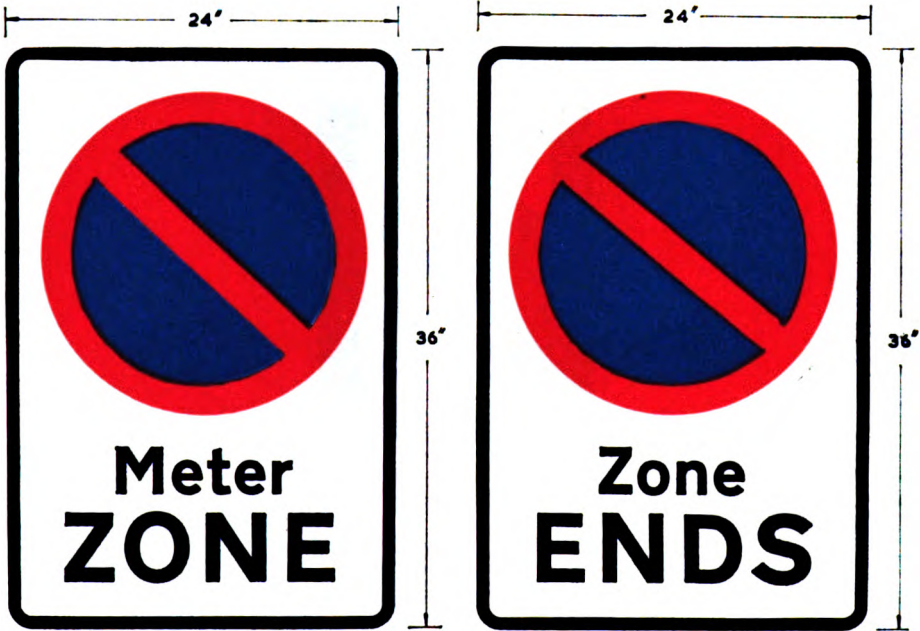


Plate for use with sign in diagram 801 indicating a lorry park  
 (See Direction 12)  
 804



Plate for use with sign in diagram 801 indicating a free car park  
 Permitted variant: The legend may be varied to accord with any conditions imposed on the use of the car park  
 (See Direction 12)  
 805

SCHEDULE 1 PART IV—Other informatory signs (contd.)



Entrance to controlled parking zone  
 Permitted variant: Controlled or Disc  
 may be substituted for Meter  
 (See Directions 6 and 28)  
**806**

Exit from controlled parking zone  
 (See Direction 6)  
**808**

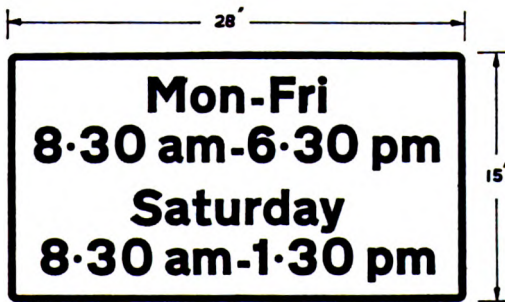
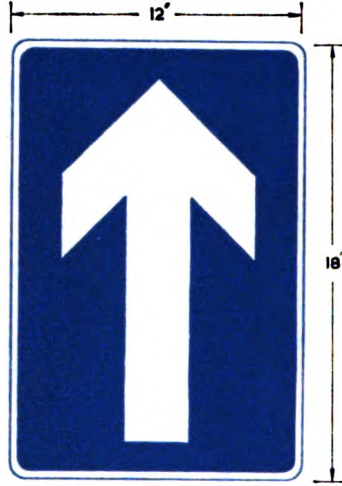


Plate for use with sign in diagram 806  
 (See Directions 6 and 12)  
**807**

SCHEDULE 1 PART IV—Other informatory signs (contd.)

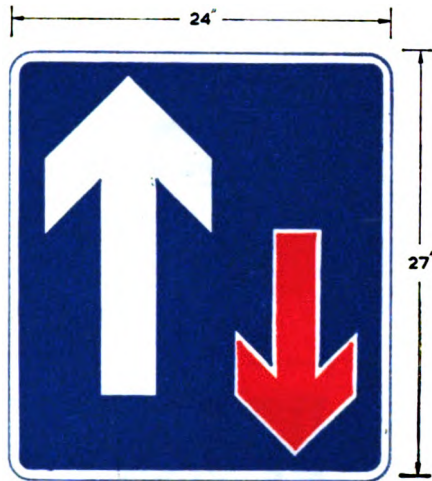


**One way traffic  
(See Direction 6)  
809**

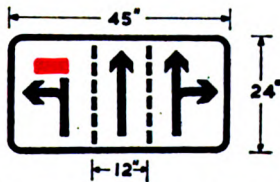


**One way street  
(See Direction 6)  
810**

SCHEDULE 1 PART IV—Other informatory signs (contd.)



Priority over vehicles from the opposite direction  
(See Direction 18)  
811



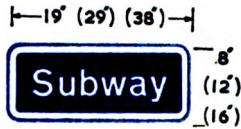
Nearside lane for traffic turning left only  
Permitted variant: The centre lane may be omitted

Note.—The dimensions shown may be increased by 50 per cent. or by 100 per cent.

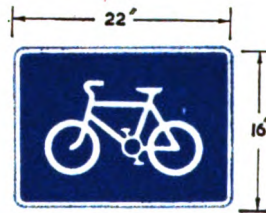
812



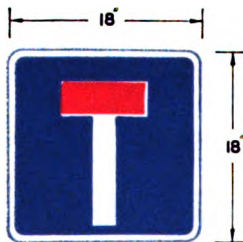
813



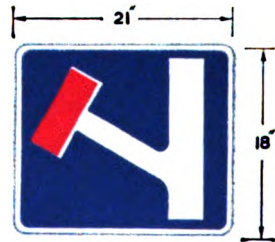
Entrance to pedestrian subway  
**814**



Cyclists and moped-riders only  
**815**

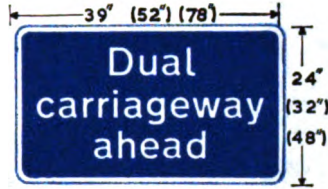


No through road  
**816**

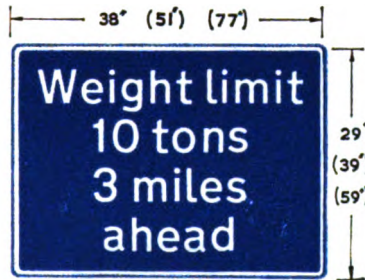


Advance sign indicating no through road  
Permitted variant: The symbol may be reversed or otherwise varied to accord with the circumstances  
**817**

## SCHEDULE 1 PART IV—Other informatory signs (contd.)

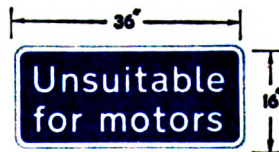


818



Permitted variant: The legend may be varied to accord with the prohibition or restriction imposed  
(See Direction 6)

819



820



821



822



823



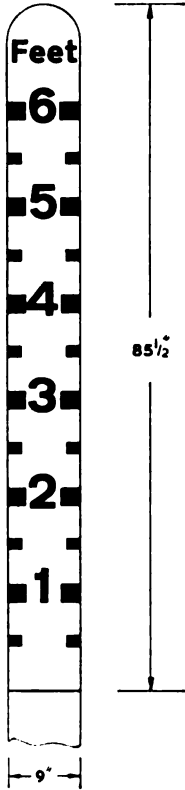
824



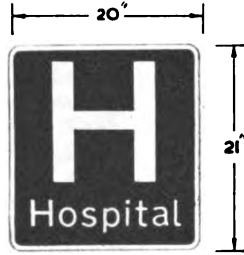
825

Diagrams 823, 824 and 825: To indicate distance in hundreds of yards to the next point at which a driver may leave a primary route or a motorway (See Direction 8)

SCHEDULE 1 PART IV—Other informatory signs (contd.)



Gauge indicating depth of water at a ford  
826



827



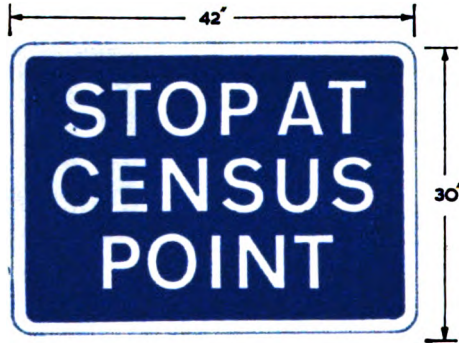
Permitted variant: Second may be substituted for Another  
828



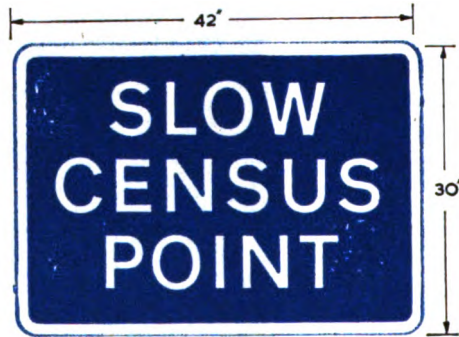
End of temporary obstruction  
(See Direction 17)  
829



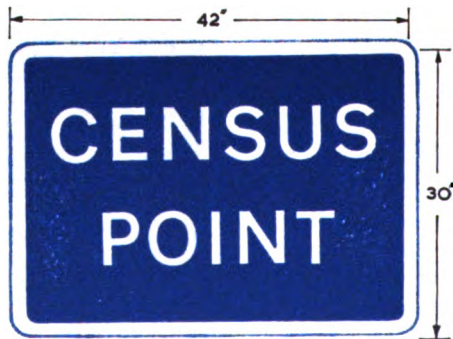
SCHEDULE 1 PART IV—Other informatory signs (contd.)



(See Direction 20)  
830

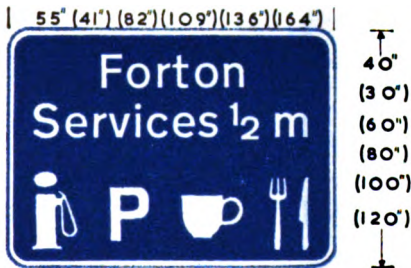
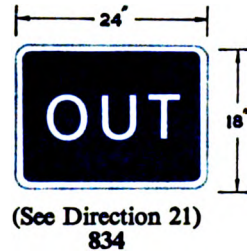
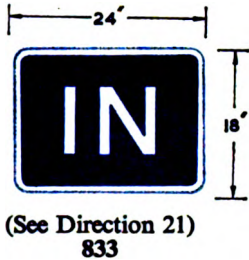


(See Direction 20)  
831

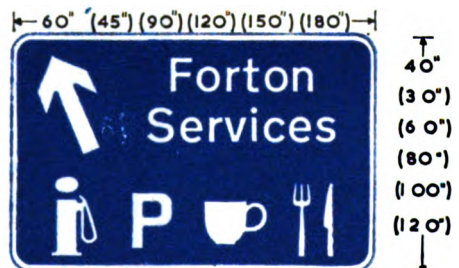


(See Direction 20)  
832

SCHEDULE 1 PART IV—Other informatory signs (contd.)



Distance to named service area at which fuel, parking, cafeteria and restaurant facilities are available  
Permitted variant: The name of the area and the symbol or symbols relating to facilities which are not available may be omitted  
(See Directions 5 and 8)  
837



Direction to named service area at which fuel, parking, cafeteria and restaurant facilities are available  
Permitted variant: The name of the area and the symbol or symbols relating to facilities which are not available may be omitted  
(See Directions 5 and 8)  
838



Direction to service area  
(See Directions 5 and 8)  
839

## SCHEDULE 1 PART IV—Other informatory signs (contd.)



Direction and distance to  
public telephone  
840



Direction and distance to motoring  
organisation telephone

Permitted variant: The badge of the Royal Scottish Automobile Club or the Automobile Association may be substituted as appropriate. The legend and border of the sign shall be black and the background yellow to indicate an Automobile Association telephone

841

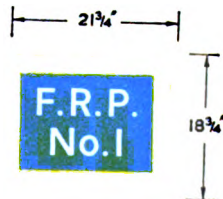
## SCHEDULE 1 PART IV—Other informatory signs (contd.)



Direction and distance to motoring organisation service centre

Permitted variant: The badge of the Royal Automobile Club or the Royal Scottish Automobile Club may be substituted as appropriate and in such cases the legend and border of the sign shall be white and the background blue

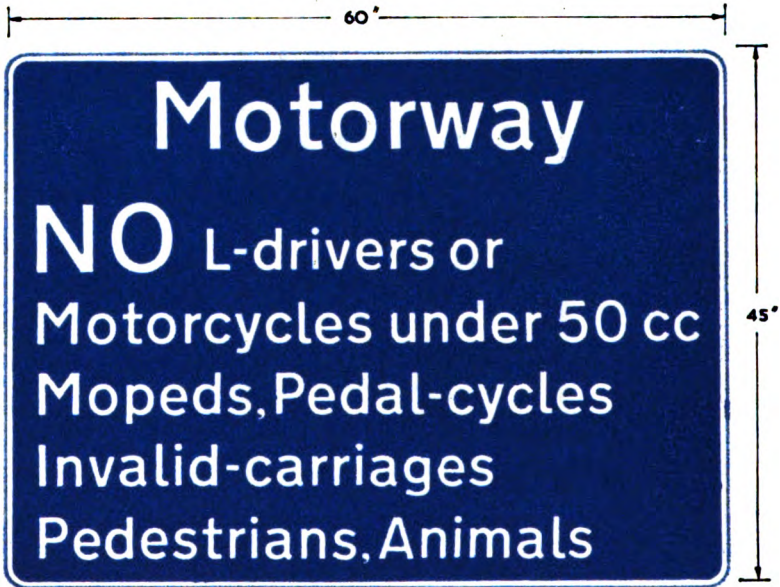
842



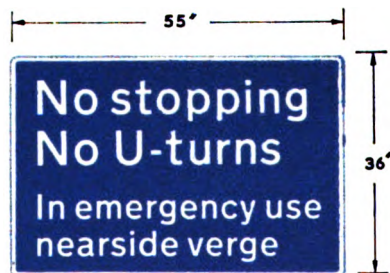
Fire rendezvous point

843

## SCHEDULE 1 (See Regulation 9)

*PART V*—Directional and other informatory signs on motorways

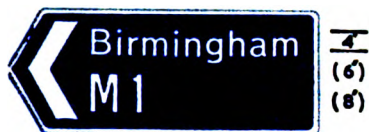
To indicate traffic excluded from a motorway  
 (See Direction 9)  
 901



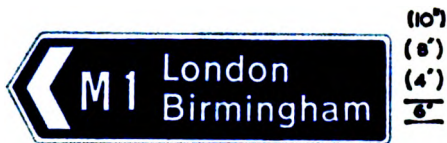
To indicate rules governing the use of  
 a motorway  
 (See Direction 9)  
 902

SCHEDULE 1

*PART V*—Directional and other informatory signs on motorways (contd.)



Route number and direction to place indicated  
(See Direction 9)  
903



Same as 903  
(See Direction 9)  
904



Route number of road extending from a junction 1 mile ahead  
(See Direction 9)  
905



Route number of and next place of traffic importance on a road extending from a junction  $\frac{1}{2}$  mile ahead  
(See Direction 9)  
906



Route number of and next place of traffic importance on a road at a junction with a motorway and places to which the motorway leads  
(See Direction 9)  
907

**SCHEDULE 1**  
**PART V—Directional and other informative signs on motorways (contd.)**



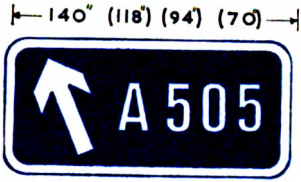
Route numbers of motorways extending from a junction ahead, places to which they lead and appropriate traffic lanes for traffic to those places  
 (See Direction 9)  
 908



Route numbers of motorways and places to which each leads from a junction of two motorways  
 (See Direction 9)  
 909

SCHEDULE 1

PART V—Directional and other informatory signs on motorways (contd.)



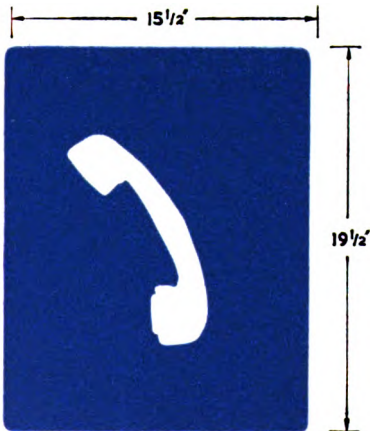
Direction of route  
(See Direction 9)  
910



Route number of motorway with names of and distances in miles to places of traffic importance to which it leads. The bracketed name and figures indicate a place which can be reached by a road which branches off the motorway and the distance in miles to that place  
(See Direction 9)  
911



Direction to nearest emergency telephone box  
(See Direction 9)  
912



Front of emergency telephone box  
(See Direction 9)  
913

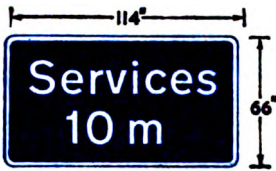


Side of emergency telephone box  
(See Direction 9)  
914



SCHEDULE 1

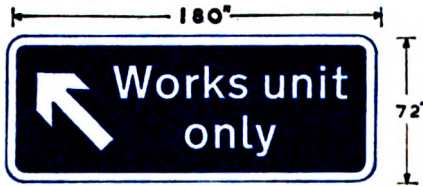
PART V—Directional and other informatory signs on motorways (contd.)



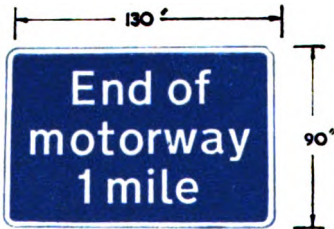
Distance to next service area  
(See Direction 9)  
915



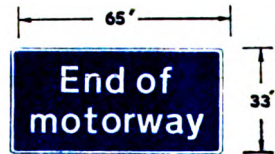
Distance to next two service areas  
(See Direction 9)  
916



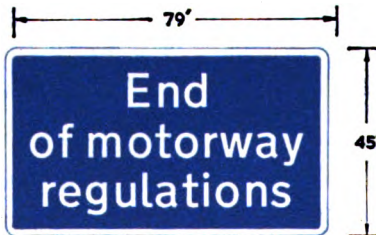
(See Direction 9)  
917



(See Direction 9)  
918



(See Direction 9)  
919



(See Direction 9)  
920

SCHEDULE 2 (See Regulations 20, 21 and 23 and Direction 31)

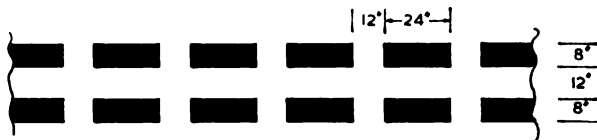
Markings on the road



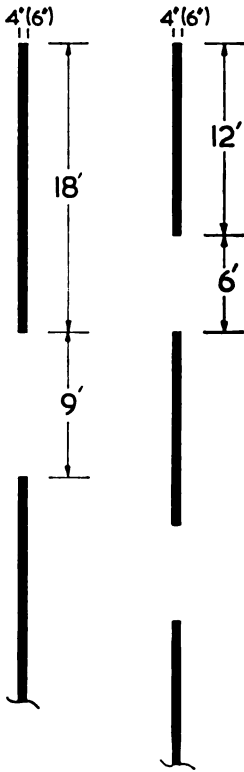
Transverse line (stop line) to indicate position beyond which vehicular traffic must not proceed when required to stop by light signals or the police  
 (See Directions 24 and 34)  
 1001



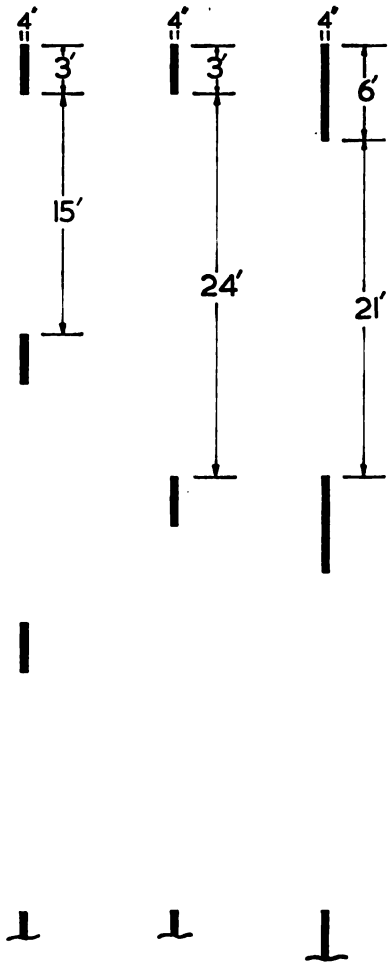
Transverse lines to indicate position beyond which vehicular traffic must not proceed when required to stop by the sign shown in diagram 601  
 (See Directions 10 and 25)  
 1002



Transverse marking to indicate to vehicular traffic the requirement prescribed by Regulation 22(2)  
 (See Direction 10)  
 1003



1004

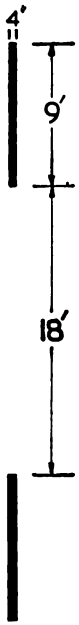


1005

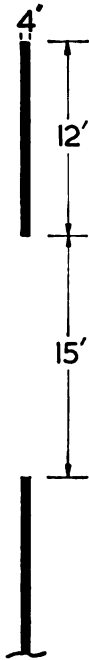
**Diagram 1004:** Alternative methods of marking a longitudinal line to warn vehicular traffic when approaching or negotiating a hazard not to cross or straddle the line unless it is seen by the driver to be safe to do so

**Diagram 1005:** Alternative methods of marking a longitudinal line to indicate to vehicular traffic the division of the carriageway into traffic lanes

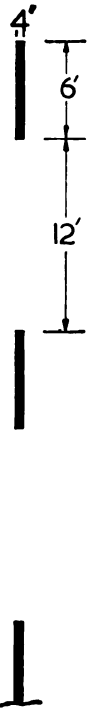
SCHEDULE 2—Markings on the road (contd.)



1006



1007



1008

Diagram 1006: Same as 1005 on motorways

Diagram 1007: Alternative methods of marking a longitudinal line to indicate to vehicular traffic the centre of a four or six lane carriageway

Diagram 1008: Longitudinal line to indicate to vehicular traffic the centre of a two lane carriageway

## SCHEDULE 2—Markings on the road (contd.)

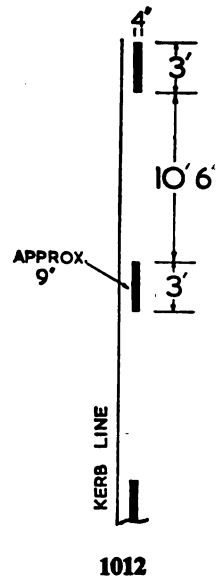
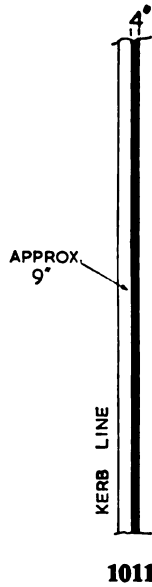
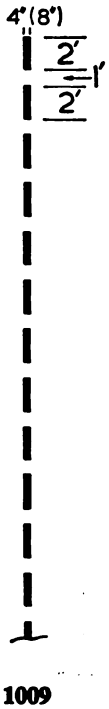


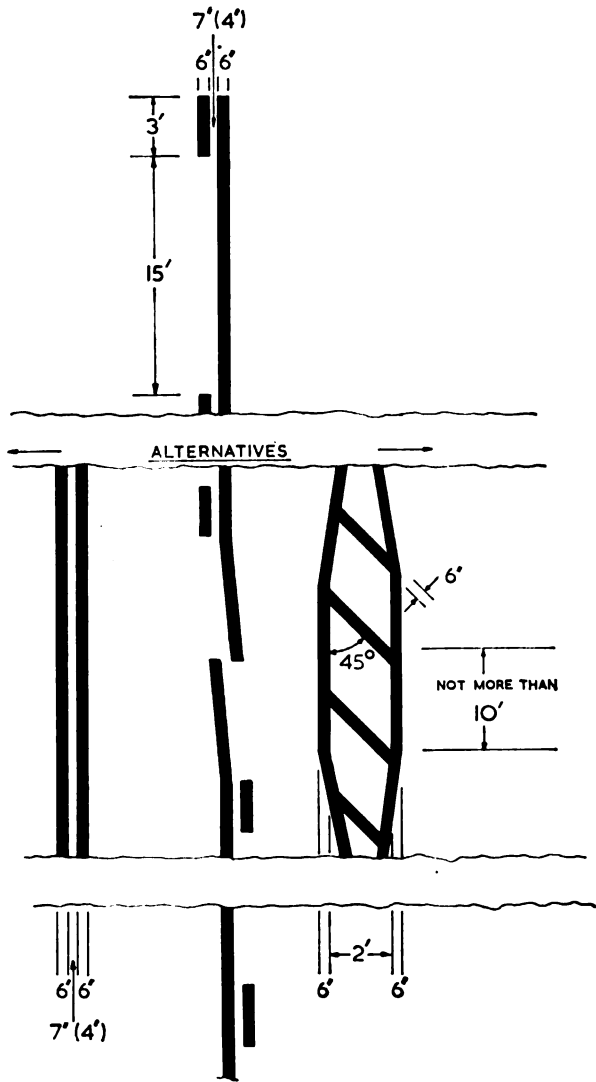
Diagram 1009: Longitudinal line to indicate to vehicular traffic the edge of the carriageway at a road junction

Diagram 1010: Longitudinal line to indicate to vehicular traffic the edge of the carriageway at a road junction or a lay-by

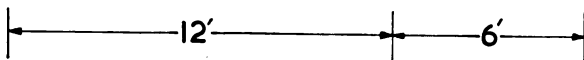
Diagram 1011: Longitudinal line to indicate to vehicular traffic the edge of the carriageway at a bend or similar hazard

Diagram 1012: Longitudinal line to indicate to vehicular traffic the edge of the carriageway elsewhere than at a bend or similar hazard, a road junction or a lay-by

SCHEDULE 2—Markings on the road (contd.)

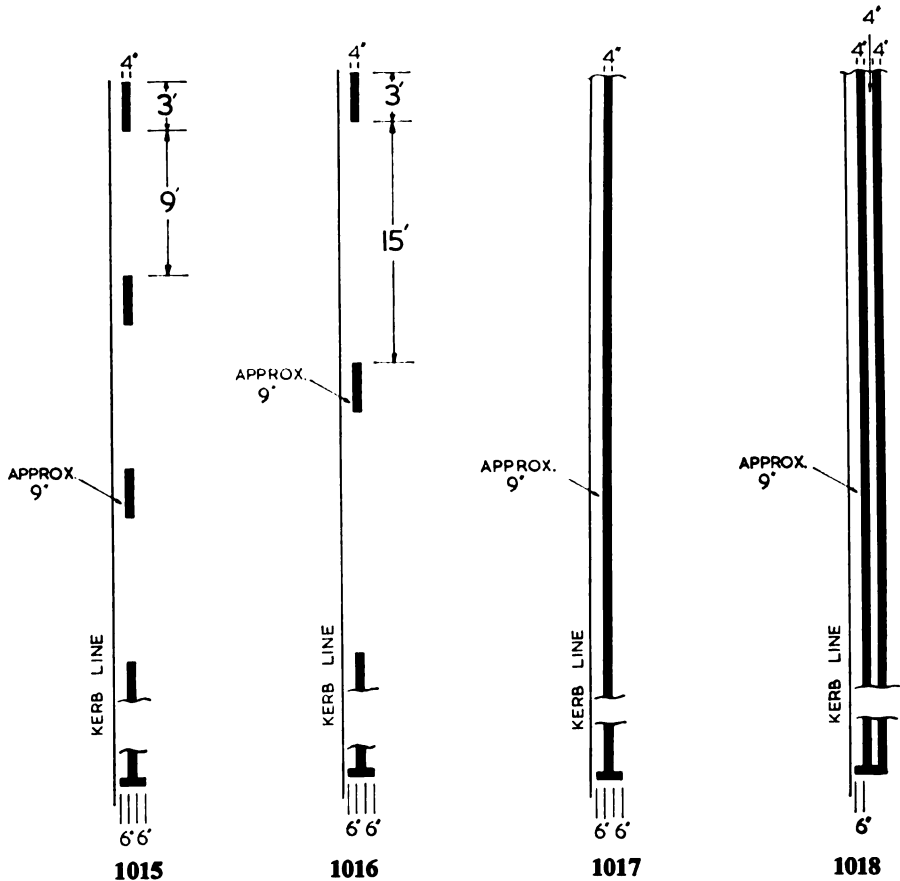


Longitudinal lines to indicate to vehicular traffic the requirements and the warning prescribed by Regulation 23(2) and (5) 1013



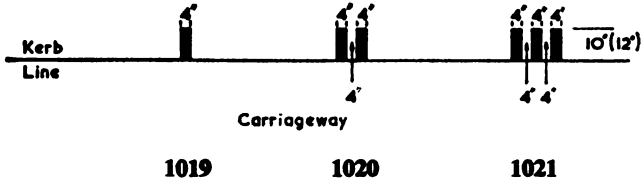
To warn vehicular traffic approaching a length of road on which are placed longitudinal lines shown in diagram 1013 of the need to keep to the left or nearside of both these lines 1014

## SCHEDULE 2—Markings on the road (contd.)



**Diagrams 1015 to 1018: Longitudinal lines to be laid near the edge of the carriageway to indicate to vehicular traffic that waiting by vehicles on a side of a length of a road is prohibited or restricted**

**Note—**When one of these types of longitudinal lines is used alone, the short transverse line shall be provided at each end, except that in the case of the sign shown in diagram 1017 the short transverse line may be omitted until 31st December 1966. When two or more of these types of lines are used in continuous sequence, the short transverse line shall be provided at each end of the sequence and also at any point where the pattern of the longitudinal lines changes  
(See Directions 6, 13, 26 and 28)

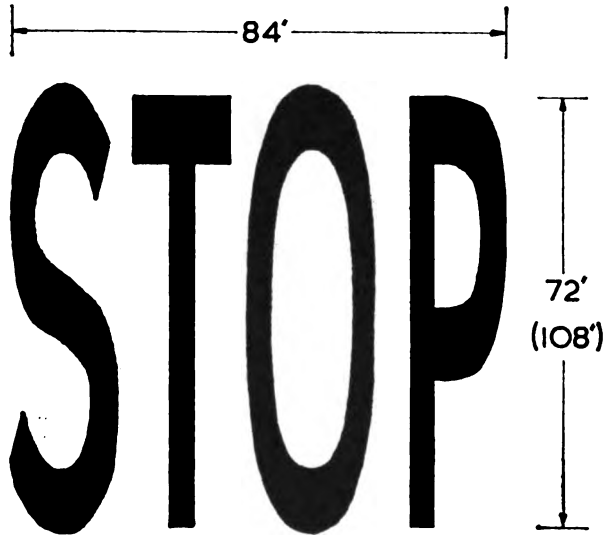
**SCHEDULE 2—Markings on the road (contd.)**

**Diagrams 1019 to 1021:** Lines to be laid at the edge of the footway nearest the carriageway, or where there is no footway at the edge of the carriageway, to indicate to vehicular traffic that waiting by vehicles for the purposes of loading and unloading on a side of a length of road is prohibited or restricted

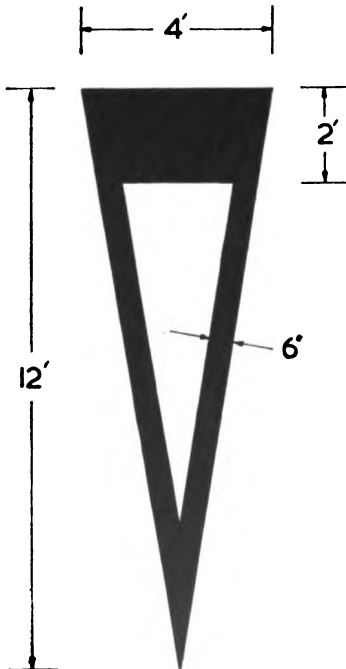
**Note—**Where the footway is provided with a raised kerb the marking shall be continued down the vertical face of the kerb  
(See Directions 6, 14, 27 and 29)



## SCHEDULE 2—Markings on the road (contd.)

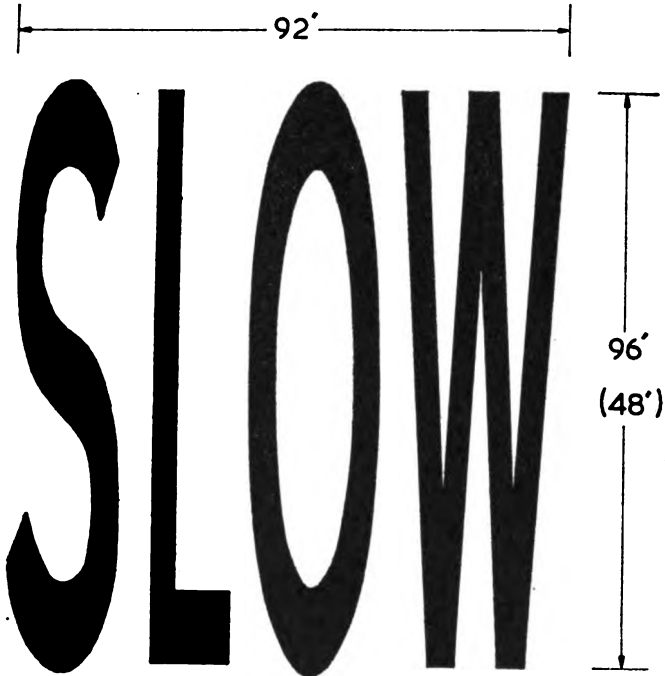


To indicate to vehicular traffic the approach to a road junction at or near which is placed the sign shown in diagram 601  
 (See Directions 10 and 25)  
 1022



To indicate to vehicular traffic the approach to a road junction at or near which is placed the sign shown in diagram 602  
 (See Directions 10 and 30)  
 1023

## SCHEDULE 2—Markings on the road (contd.)

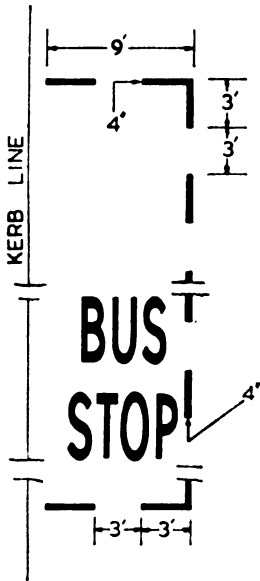


To indicate to vehicular traffic potential danger ahead and need to proceed with caution

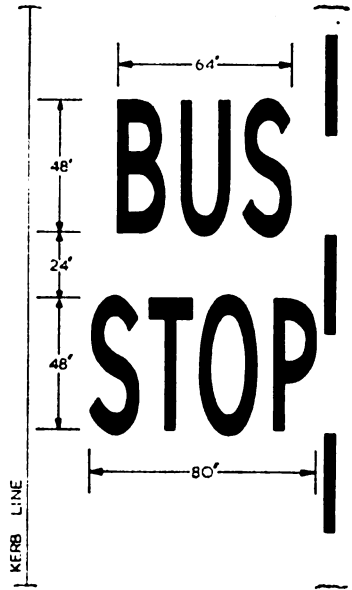
**Note**—In addition to the alternative height shown in brackets the dimensions of both height and width not shown in brackets may be increased by 50 per cent.

1024

## SCHEDULE 2—Markings on the road (contd.)



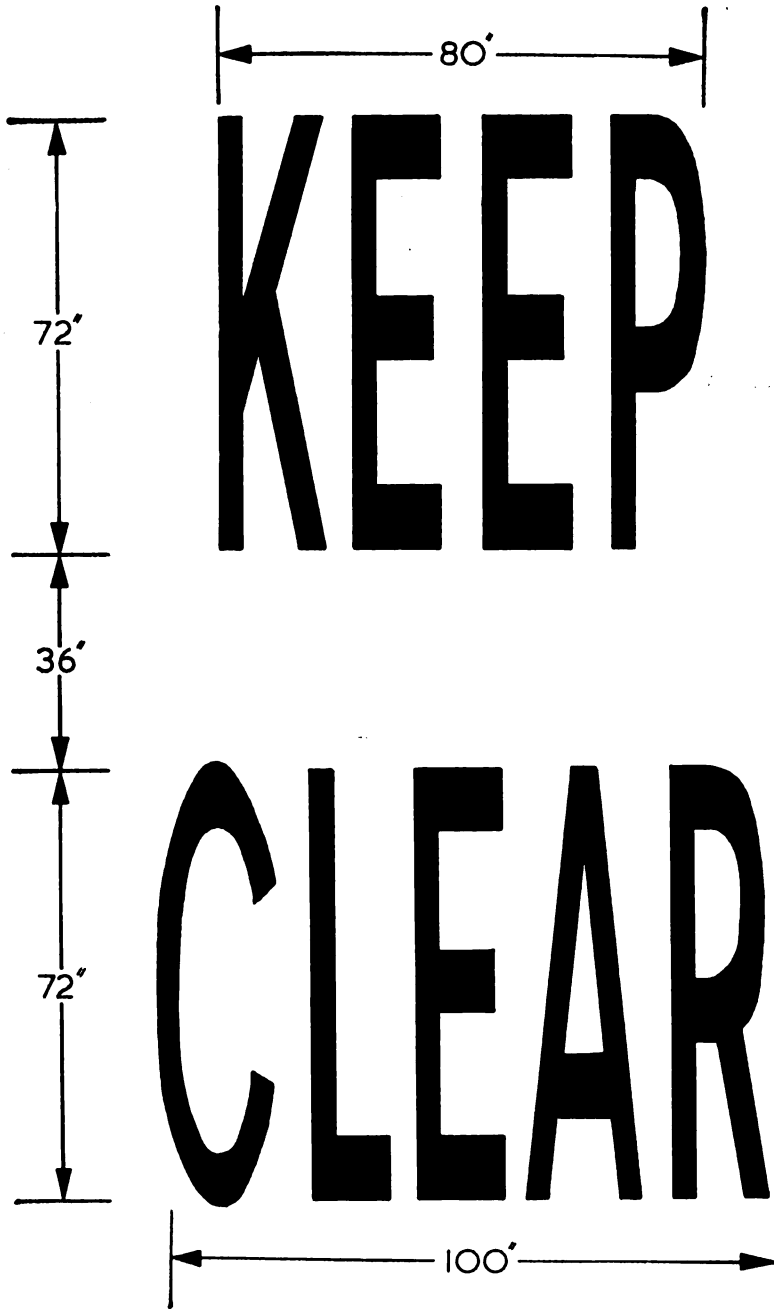
To indicate to vehicular traffic limits  
of a bus stop



Sign detail

**Note**—Where the bus stop is one where there are frequent or multiple services or vehicles with different entrance positions, the length of the bay may be increased as necessary in stages of 6 feet from a minimum of 60 feet to a maximum of 120 feet; where the bay is increased to more than 90 feet in length the words Bus stop may be repeated once

## SCHEDULE 2—Markings on the road (contd.)



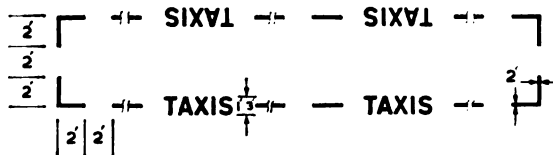
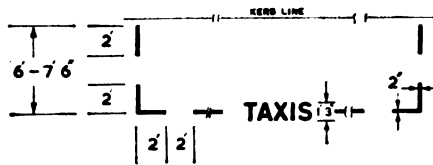
To indicate to vehicular traffic that part of the carriageway at a road junction which should be left clear of stationary vehicles so as to permit the passage of vehicles into or out of a side turning  
(See Direction 5)

1026

SCHEDULE 2—Markings on the road (contd.)



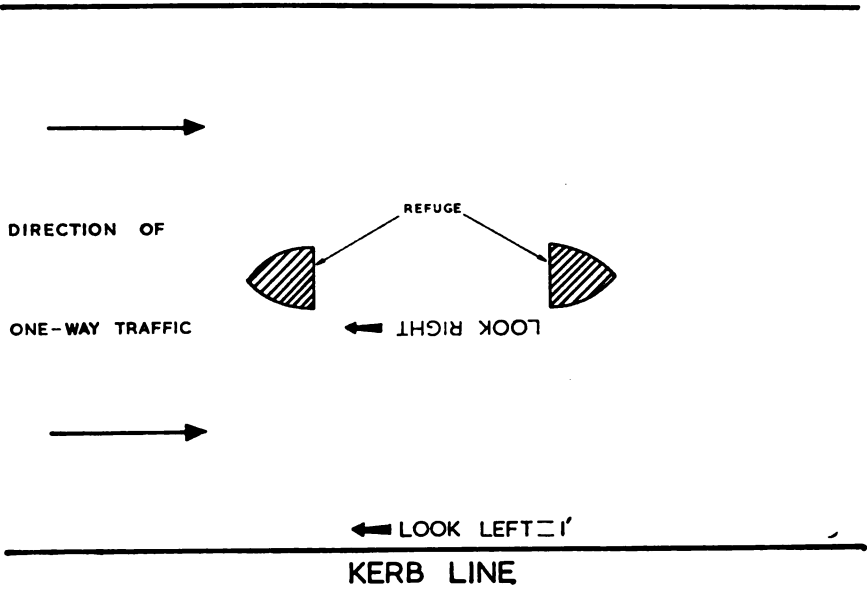
To indicate to vehicular traffic that part of the carriageway outside a school entrance which should be kept clear of stationary vehicles  
 Permitted variant: Ambulances may be substituted for School entrance to indicate that part of the carriageway (outside a hospital or similar institution) which should be kept clear for use by ambulances  
 1027



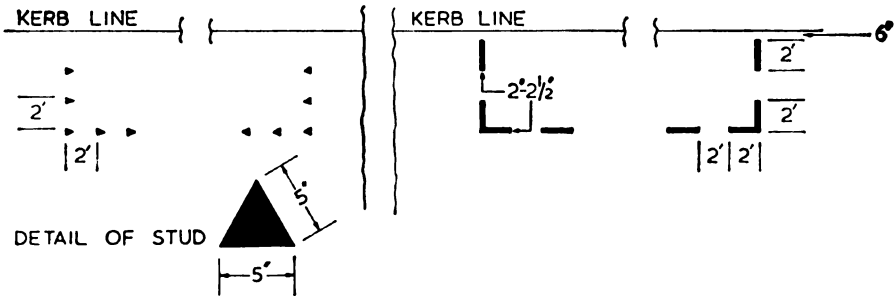
To indicate the limits of places at the side and in the middle of the road where hackney carriages may stand  
 Permitted variant: Motor cycles may be substituted for Taxis to indicate the limits of places at the side and in the middle of the road within a controlled parking zone where motor cycles and mopeds may stand  
 (See Direction 6)  
 1028

SCHEDULE 2—Markings on the road (contd.)

KERB LINE

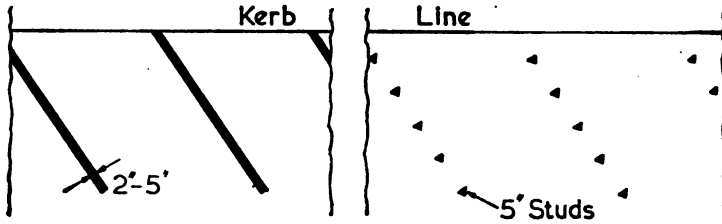


To warn pedestrians of approaching vehicular traffic in a one-way street (See Direction 6) 1029



To indicate limits of space reserved for waiting vehicles (alternative methods) 1030

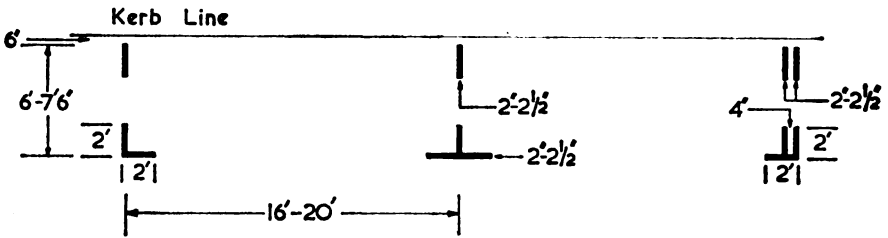
SCHEDULE 2—Markings on the road (contd.)



To indicate to vehicular traffic parking bays outside a controlled parking zone (alternative methods)

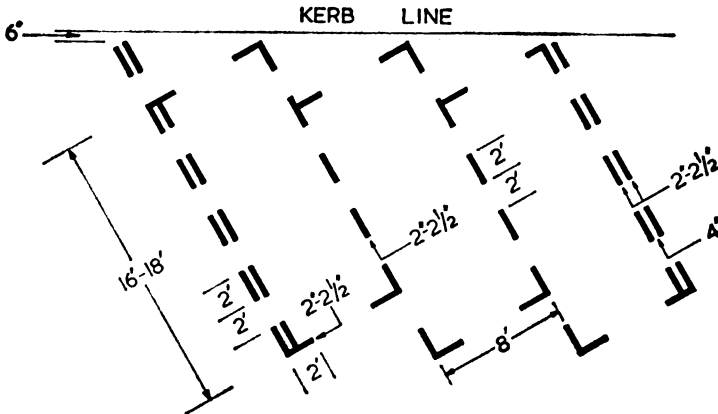
Permitted variant: The angle of the bays may be reversed where the marking is placed on the offside of a one-way street

1031



To indicate to vehicular traffic parking bays within a controlled parking zone (See Direction 6)

1032

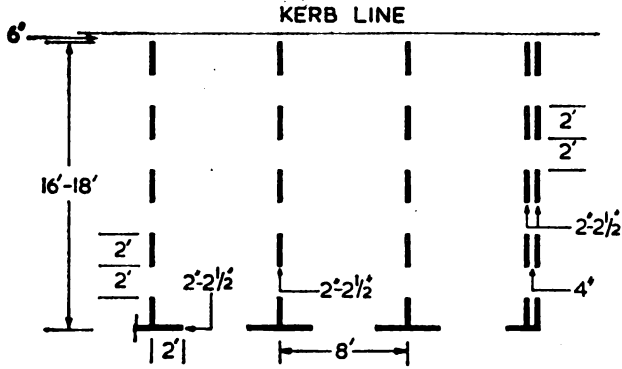


Same as 1032

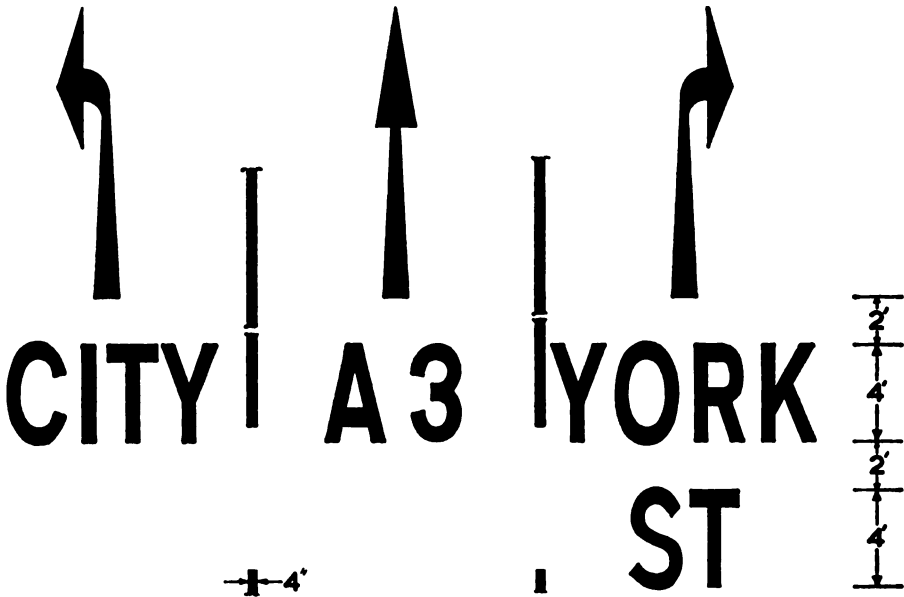
Permitted variant: The angle of the bays may be reversed (See Direction 6)

1033

SCHEDULE 2—Markings on the road (contd.)



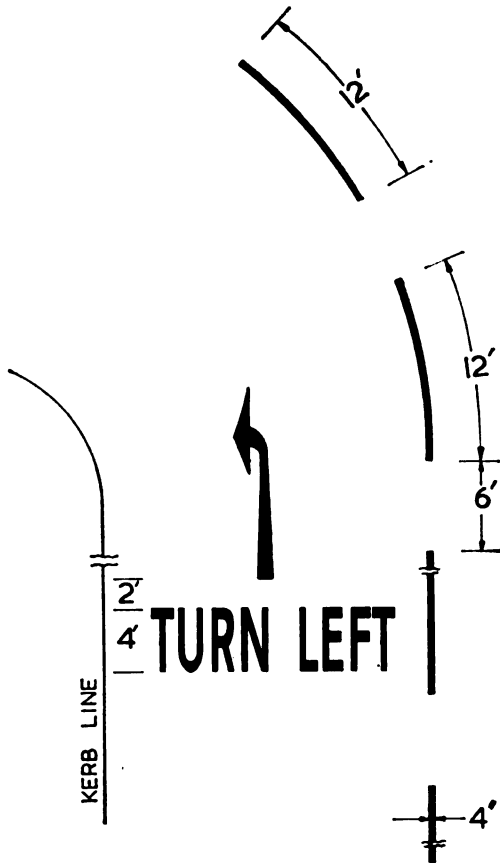
Same as 1032  
(See Direction 6)  
1034



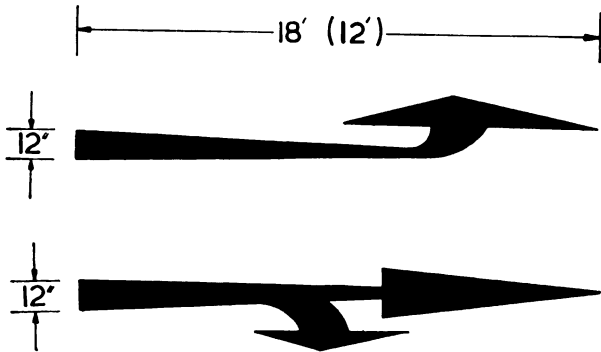
To indicate to vehicular traffic appropriate traffic lanes  
Permitted variant: The wording may be varied to accord with the circumstances or Left turn, Ahead and Right turn may be substituted as appropriate  
1035



SCHEDULE 2—Markings on the road (contd.)

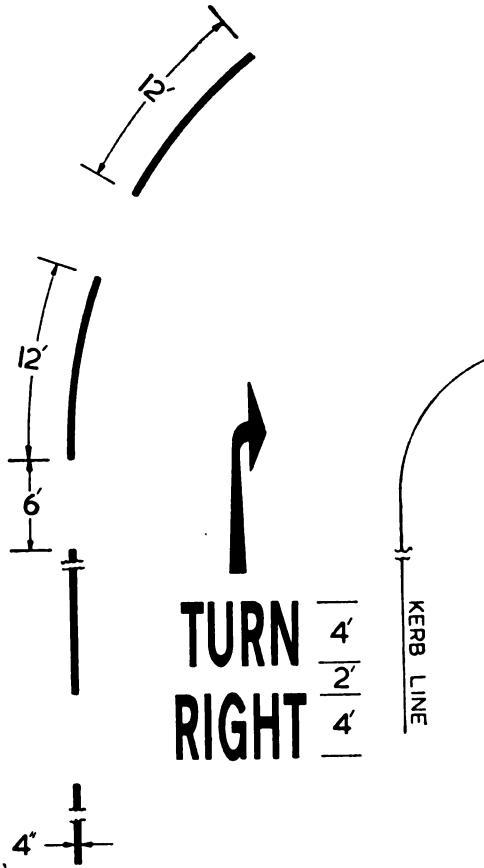


To indicate to vehicular traffic a compulsory turn  
 (See Direction 6)  
 1036

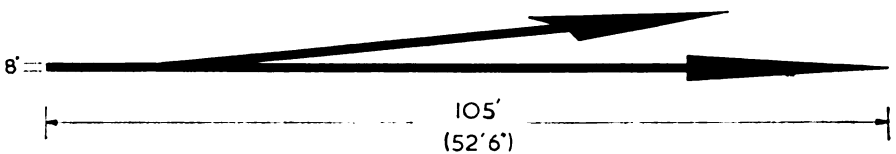


To indicate to vehicular traffic appropriate traffic lanes  
 1038

SCHEDULE 2—Markings on the road (contd.)



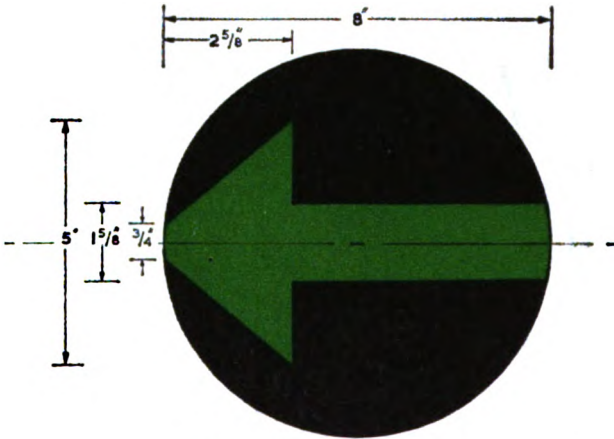
Same as 1036  
(See Direction 6)  
1037



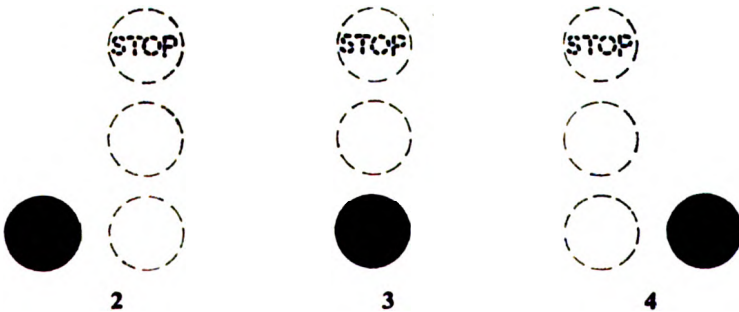
To indicate to vehicular traffic the entrance to a deceleration lane at a road junction  
1039

SCHEDULE 3 (See Regulation 32 and Direction 34)

Size and colour of arrow in light signals for vehicular traffic and methods of incorporation of the arrow in those signals



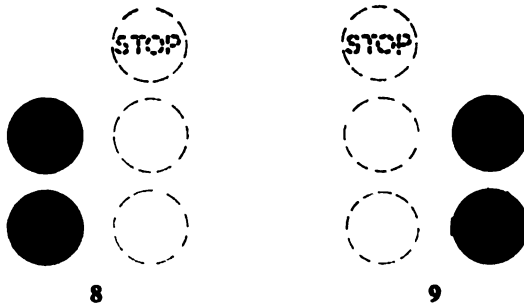
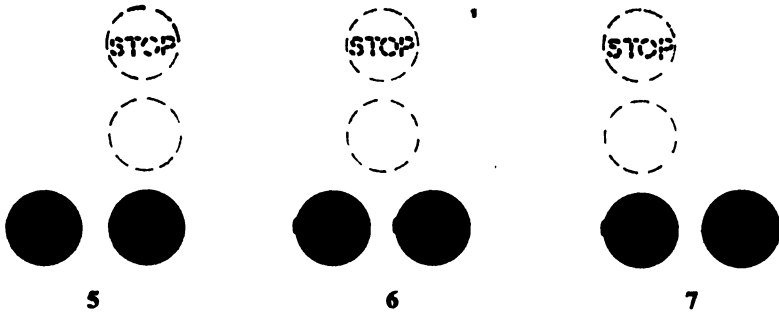
Details of lens showing green arrow  
1



Methods of fitting green arrow to traffic light signals

## SCHEDULE 3

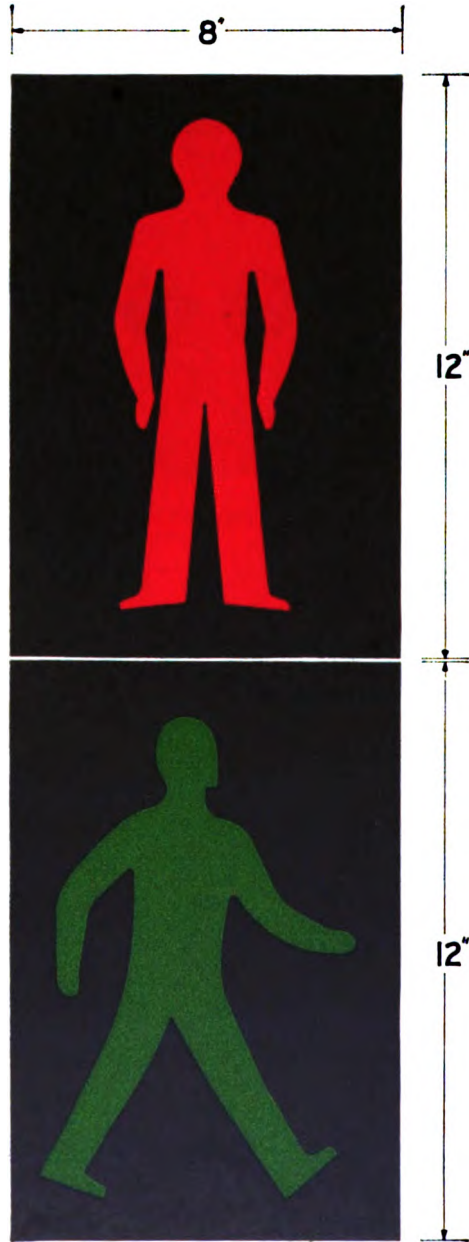
Size and colour of arrow in light signals for vehicular traffic and methods of incorporation of the arrow in those signals (contd.)



Methods of fitting green arrows to traffic light signals

SCHEDULE 4 (See Regulation 35)

Size, colour and type of light signals for pedestrians

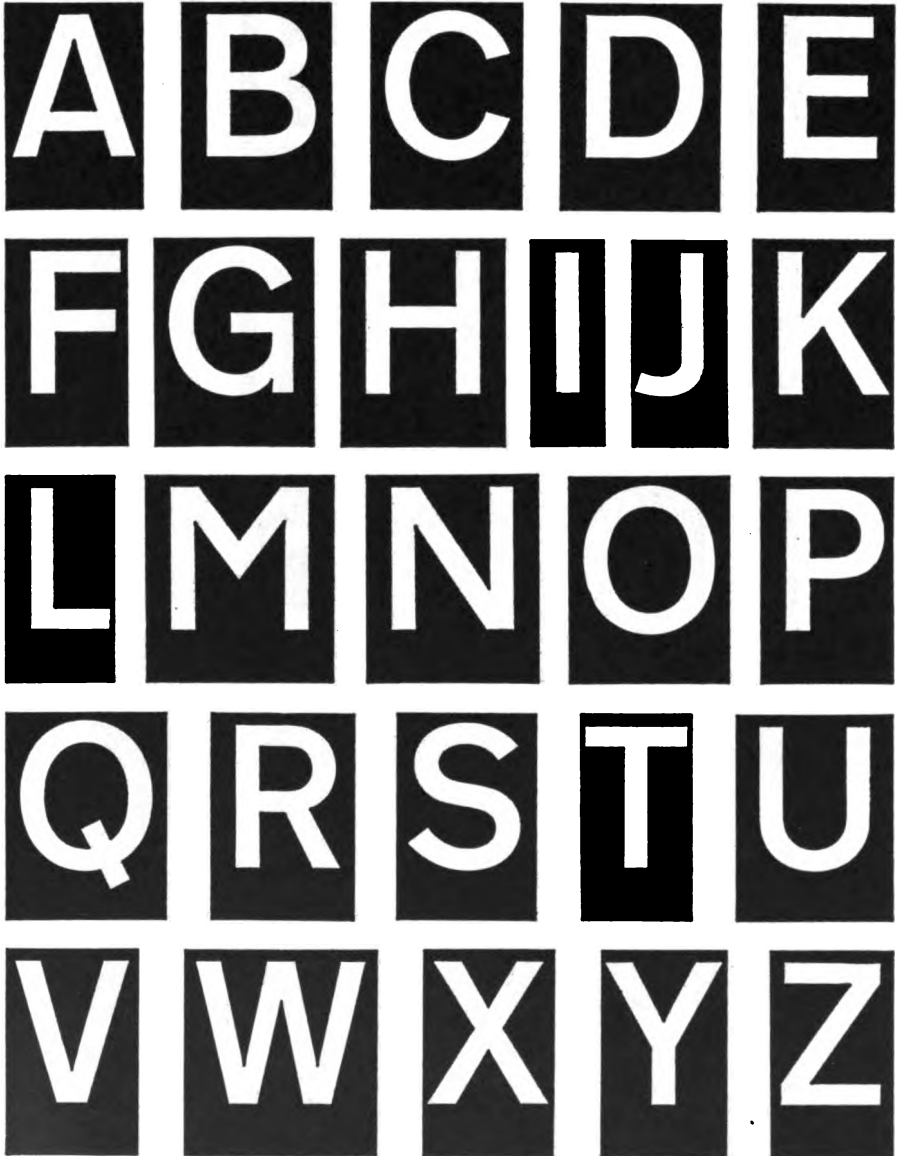


## SCHEDULE 5 (See Regulation 14)

## PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS

*Part I*

Transport Medium capital alphabet for use on signs with a red, blue or green background

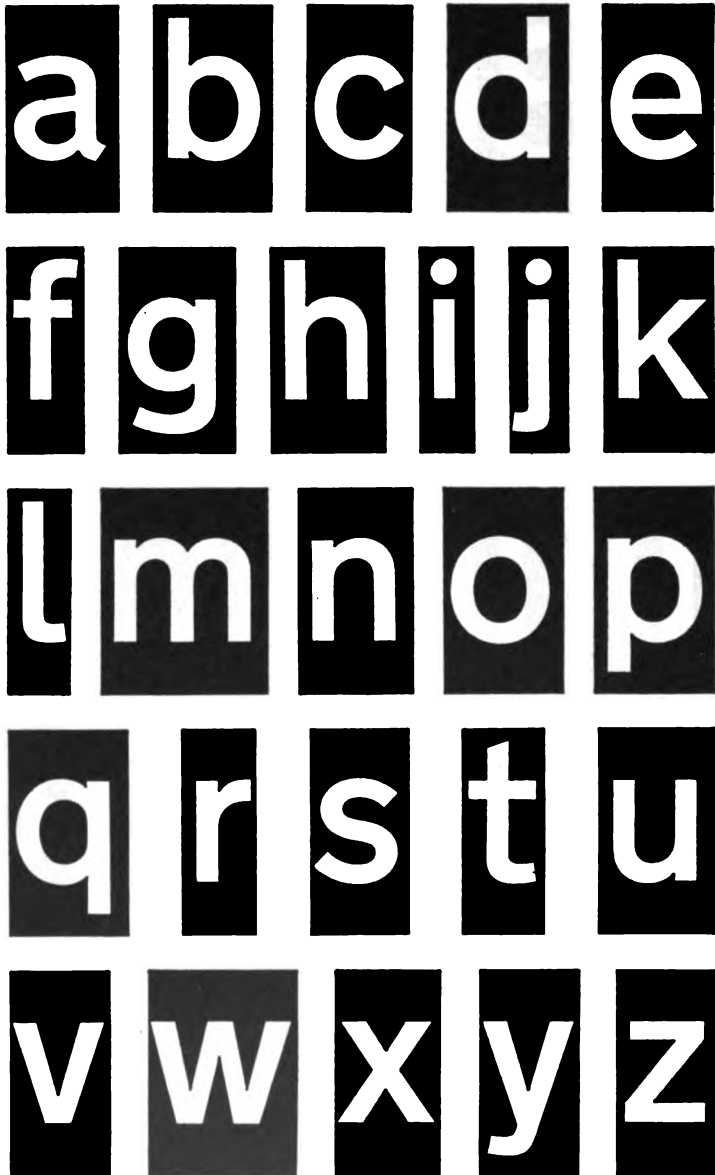


## SCHEDULE 5

PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)

*Part II*

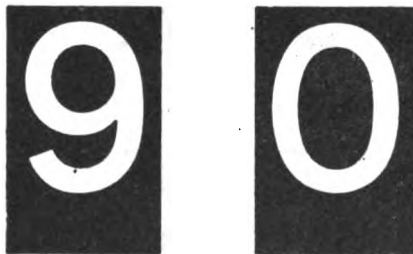
Transport Medium lower-case alphabet for use on signs with a red, blue or green background



**SCHEDULE 5**  
**PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)**

*Part III*

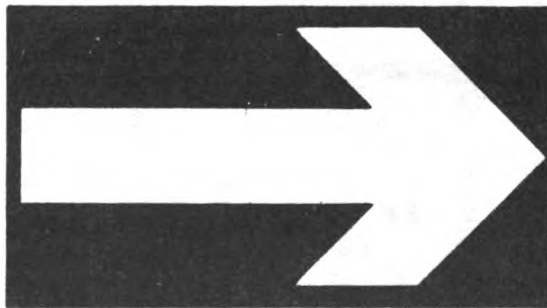
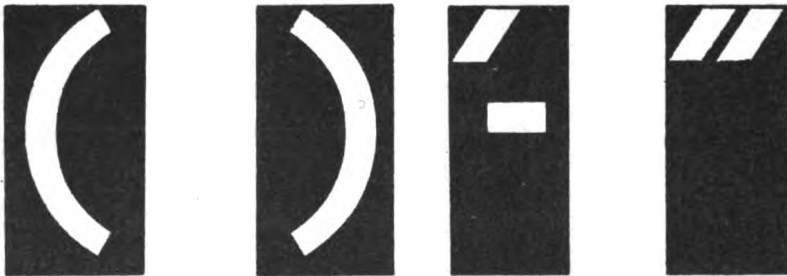
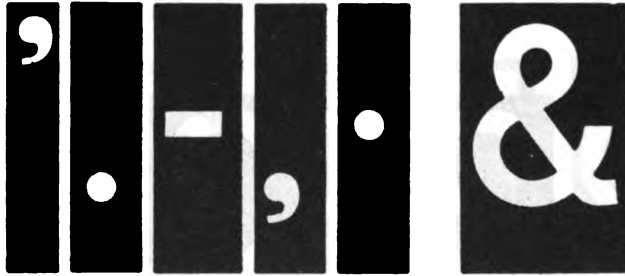
**Transport Medium numerals for use on signs with a red, blue or green background**





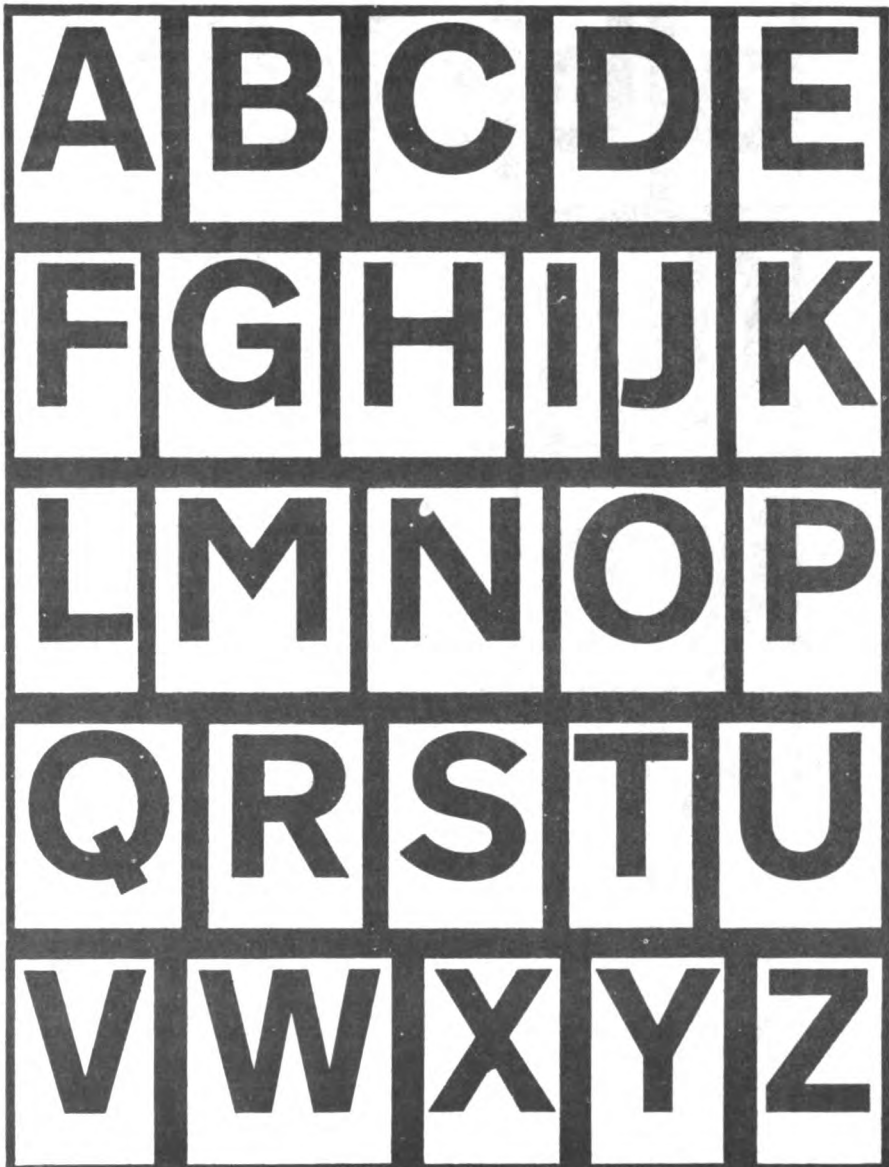
SCHEDULE 5  
PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)

*Part IV*  
Transport Medium other characters for use on signs with a red, blue or green background



SCHEDULE 5  
PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)

*Part V*  
Transport Heavy capital alphabet for use on signs with a white or yellow background



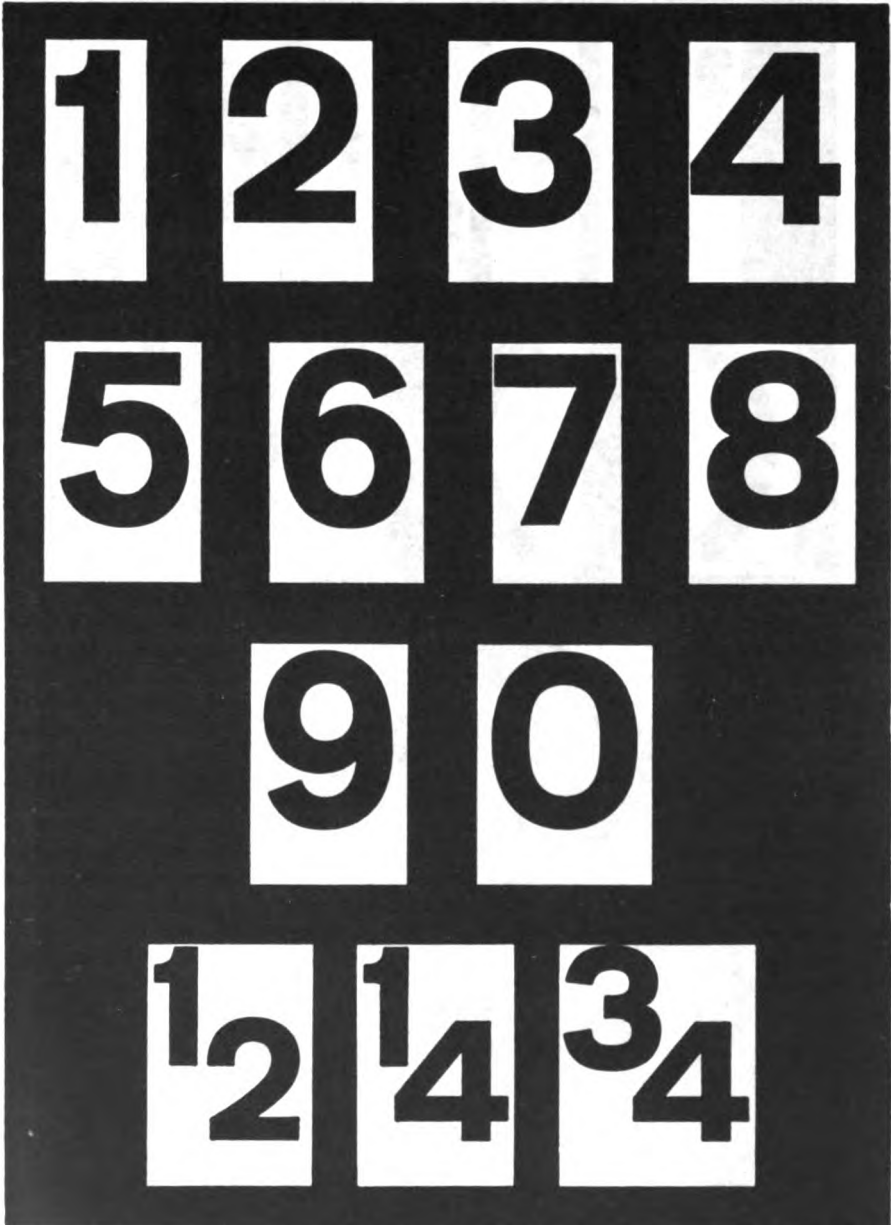
SCHEDULE 5  
PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)

*Part VI*  
Transport Heavy lower-case alphabet for use on signs with a white or yellow background



**SCHEDULE 5**  
**PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)**

*Part VII*  
**Transport Heavy numerals for use on signs with a white or yellow background**



SCHEDULE 5  
PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)

*Part VIII*

Transport Heavy other characters for use on signs with a white or yellow background



SCHEDULE 5  
PROPORTION AND FORM OF LETTERS, NUMERALS AND OTHER CHARACTERS (contd.)

*Part IX*

Letters and numerals for use in route numbers on the sign shown in diagram 738 and on any sign shown in Schedule 1 Part V

A M B

1 2 3 4

5 6 7

8 9 0

**SCHEDULE 6****Regulations revoked by Regulation 2**

<i>Title</i>	<i>Year and Number</i>
<b>The Traffic Signs Regulations 1957</b>	<b>S.I. 1957/13 (1957 II, p. 2001).</b>
<b>The Traffic Signs (Amendment) Regulations 1957</b>	<b>S.I. 1957/2149 (1957 II, p. 2083).</b>
<b>The Traffic Signs (Amendment) Regulations 1959</b>	<b>S.I. 1959/761 (1959 II, p. 2368).</b>
<b>The Traffic Signs (Amendment) Regulations 1960</b>	<b>S.I. 1960/1095 (1960 III, p. 2931).</b>

## PART II

## GENERAL DIRECTIONS

1. These Directions may be cited as "The Traffic Signs General Directions 1964".

2. The Traffic Signs General Directions 1957(a), the Traffic Signs General Directions (No. 2) 1957(b), the Traffic Signs General Directions 1959(c), the Traffic Signs General Directions 1960(d) and the Traffic Signs General Directions (No. 2) 1960(e) are hereby revoked.

3.—(1) In these Directions the expressions "hours of darkness", "motorway", "primary route", "non-primary route" and "temporary statutory provision" have the same meanings as they have in the Traffic Signs Regulations 1964 (hereinafter in these Directions referred to as "the Regulations").

(2) Any reference in these Directions to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(3) The Interpretation Act 1889 shall apply for the interpretation of these Directions as it applies for the interpretation of an Act of Parliament.

4.—(1) Any reference in these Directions to a diagram by a number is a reference to the diagram of that number in Schedule 1 or Schedule 2 to the Regulations.

(2) Any reference in these Directions to any sign shown in a diagram being a diagram in Schedule 1 or Schedule 2 to the Regulations shall be construed as including a reference to any such sign varied in accordance with the provisions of the Regulations.

5. Signs shown in diagrams 502, 511, 543, 544 (when erected on or near a road on which a speed limit of 40 miles per hour or less on the driving of motor vehicles is in force), 545 (when not erected in conjunction with the sign shown in diagram 546 or 547), 548 to 551, 601, 615 (except when used in connection with the execution of road works), 837 to 839 (when used on primary routes) and 1026 may be placed only at sites approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be.

6. Signs shown in diagrams 606 (except when erected on the central island of a roundabout or when used in combination with a plate of the type shown in diagram 608), 607, 609 (except when used in combination with a plate of the type shown in diagram 608), 612 to 614, 616 to 632, 636 to 645, 712, 806 to 810, 819, 1015 to 1021, 1028 (when varied to read "Motor cycles"), 1029, 1032 to 1034, 1036 and 1037 may be placed on or near a road only to indicate the effect of an Order, Regulation, Bye-law or Notice which prohibits or restricts the use of the road by vehicular traffic.

7. The signs shown in diagrams 701 to 717 may be placed only on or near a primary route and the signs shown in diagrams 718 to 723, 725 and 726 and signs shown in diagrams 712, 714 and 715, in the last three cases when varied as shown beneath the diagrams, may be placed only on or near a non-primary route.

8. The signs shown in diagrams 823 to 825 and 837 to 839 may be placed only on or near a primary route or a motorway.

9. The signs shown in diagrams 901 to 920 may be placed only on or near a motorway.

10. The sign shown in diagram 601 may be used on a road only in conjunction with the road marking shown in diagram 1002 and the road marking shown in

(a) S.I. 1957/13 (1957 II, p. 2001).

(c) S.I. 1959/760 (1959 II, p. 2376).

(e) S.I. 1960/1208 (1960 III, p. 2946).

(b) S.I. 1957/2150 (1957 II, p. 2087).

(d) S.I. 1960/1096 (1960 III, p. 2942).



diagram 1022, and the sign shown in diagram 602 may be used on a road only in conjunction with the road marking shown in diagram 1003 and the road marking shown in diagram 1023:

Provided that the provisions of this paragraph requiring the use of the signs shown in diagrams 601 and 602 in conjunction with a road marking shall not apply during the execution of works on a road in the vicinity of the place where the sign shown in diagram 601 or in diagram 602 is erected, if those works necessitate the temporary removal of that marking.

11.—(1) The sign shown in diagram 501 may be used only either in combination with a plate of the type shown in diagram 502 and in conjunction with the sign shown in diagram 601 or in combination with a plate of the type shown in diagram 503 and in conjunction with the sign shown in diagram 602.

(2) The sign shown in diagram 533 may be used only in combination with a plate of the type shown in diagram 534 or 535.

(3) The sign shown in diagram 562 may be used only in combination with a plate of the type shown in diagram 563.

(4) The sign shown in diagram 617 may be used only in combination with a plate of the type shown in diagram 618.

(5) The sign shown in diagram 622 may be used only in combination with a plate of the type shown in diagram 623.

(6) The sign shown in diagram 630 may be used only in combination with a plate of the type shown in diagram 631.

12. A plate of the type shown in diagrams 502, 503, 511, 518, 519, 525 to 527, 534, 535, 546, 547, 553, 563, 570 to 573, 607, 608, 618, 620, 623, 627, 631, 643 to 645, 802 to 805 and 807 may be used only in combination with the signs which are specified beneath the diagram showing the plate.

13. A plate of the type shown in diagrams 637, 639, 640 or 641 may be placed on or near the side of a road only if there is placed in conjunction with that plate and on the same side of the road a road marking shown in diagrams 1015, 1016, 1017 or 1018, except that this paragraph shall not apply where any such plate is so placed for the purposes of a temporary statutory provision.

14. A plate of the type shown in diagram 638 or 640 may be placed on or near the side of a road only if there is placed in conjunction with that plate and on the same side of the road a road marking shown in diagram 1019, 1020 or 1021, except that this paragraph shall not apply where any such plate is so placed for the purposes of a temporary statutory provision.

15. The sign shown in diagram 545 when used in combination with the plate shown in diagram 547 may be placed only on a road on which no speed limit of 30 m.p.h. or less on the driving of motor vehicles is in force and on which a school crossing patrol is from time to time on duty in the vicinity of, but not nearer than 100 yards to, the site of the sign.

16.—(1) The sign shown in diagram 557 may not be retained at any place after the expiration of six months from the date on which the sign was erected at that place or such longer time as may be approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be, or in any case after the termination of the need for the sign.

(2) Where the said sign has been removed after giving a warning to vehicular traffic in relation to a length of road, it shall not within twelve months from the date of its removal be erected for the purpose of giving warning to such traffic in relation to any part of that length of road unless approval in writing of its erection has first been given by the Minister or the Secretary of State, as the case may be.

17. The signs shown in diagrams 564 to 569 and 829 may be placed on or near a road only in connection with the execution of works thereon or a temporary obstruction thereon and any such sign so placed and any other sign shown in a diagram in Schedule 1 to the Regulations placed on or near a road in either connection as aforesaid shall not be retained on or near the road after the completion of the works or the removal of the obstruction, as the case may be.

18.—(1) Signs shown in diagrams 603 and 604 may be used only where one-way working is necessary owing to a temporary closure to vehicular traffic of a width of the carriageway of a road.

(2) The signs shown in diagrams 615 and 811 may only be used in conjunction with one another and shall not be used in conjunction with the signs shown in diagrams 603 or 604.

19. The sign shown in diagram 605 shall be used only by a person duly authorised by a highway authority for the purposes of section 224 of the Road Traffic Act 1960 (which relates to the weighing of motor vehicles) and may not be used during the hours of darkness.

20. Signs shown in diagrams 830 to 832 may be used only—

(a) in connection with a traffic census the taking of which on a road has been approved by the highway authority for that road, by the chief officer of police of the police area in which the road is situate, and by or on behalf of the Minister or the Secretary of State, as the case may be; and

(b) in the vicinity of the traffic census points appointed by or on behalf of the Minister, or the Secretary of State, as the case may be.

21. The signs shown in diagrams 833 to 836 may be used only to regulate the movement of vehicular traffic into and out of premises with more than one access to a road.

22. The sign shown in diagram 536 shall be mounted on two posts and so much of each post as extends above ground level shall be coloured black and white in alternate horizontal bands, each band being not less than 11 inches nor more than 13 inches in depth.

23.—(1) The sign shown in diagram 560 or diagram 561 shall be so placed that the top of the sign is not less than 2 feet 6 inches nor more than 4 feet 6 inches above the surface of the carriageway in the immediate vicinity.

(2) Where the sign shown in diagram 560 or diagram 561 is mounted on a post specially provided for the purpose, that part of the post which extends above ground level shall be coloured black and white in alternate horizontal bands, each band being not less than 9 inches nor more than 13 inches in depth.

24. The road marking shown in diagram 1001 may be placed on a road only in conjunction with the light signals prescribed by Regulation 31 or those light signals as varied in accordance with Regulation 32 of the Regulations or at a site where vehicular traffic is from time to time controlled by the police.

25. The road markings shown in diagrams 1002 and 1022 may be placed on a road only in conjunction with the sign shown in diagram 601.

26.—(1) The road marking shown in diagram 1017 may be placed on a side of a road only for the purpose of indicating a statutory prohibition or restriction on the waiting of vehicles (but excluding waiting for the purpose of loading or unloading a vehicle) which applies on that side for at least eight hours during the period from 7 a.m. to 7 p.m. on at least four days other than a Sunday in any week.

(2) The road marking shown in diagram 1018 may be placed on a side of a road only for the purpose of indicating a statutory prohibition or restriction on the waiting of vehicles (but excluding waiting for the purpose of loading or unloading a vehicle) which applies on that side for at least eight hours during the period from 7 a.m. to 7 p.m. on at least four days other than a Sunday in any week and at some other times other than those during the period from 7 a.m. to 7 p.m.

(3) The road markings shown in diagrams 1015 and 1016 may be placed on a side of a road only for the purpose of indicating a statutory prohibition or restriction on the waiting of vehicles (but excluding waiting for the purpose of loading or unloading a vehicle) which applies otherwise than is specified in sub-paragraphs (1) and (2) of this paragraph.

27.—(1) The road marking shown in diagram 1020 may be placed on a side of a road only for the purpose of indicating a statutory prohibition or restriction on the waiting of vehicles for the purpose of their being loaded or unloaded which applies on that side for at least eight hours during the period from 7 a.m. to 7 p.m. on at least four days other than a Sunday in any week.

(2) The road marking shown in diagram 1021 may be placed on a side of a road only for the purpose of indicating a statutory prohibition or restriction on the waiting of vehicles for the purpose of their being loaded or unloaded which applies on that side for at least eight hours during the period from 7 a.m. to 7 p.m. on at least four days other than a Sunday in any week and at some other times other than those during the period from 7 a.m. to 7 p.m.

(3) The road marking shown in diagram 1019 may be placed on a side of a road only for the purpose of indicating a statutory prohibition or restriction on the waiting of vehicles for the purpose of their being loaded or unloaded which applies otherwise than is specified in sub-paragraphs (1) and (2) of this paragraph.

28. A road marking shown in diagrams 1015, 1016, 1017 or 1018 shall be used only in conjunction with at least one plate of the type shown in diagrams 637, 639, 640 or 641 which plate shall be placed on the same side of the road as that on which is placed that marking, except that this paragraph shall not apply where any such marking is placed within a controlled parking zone.

In this and the next succeeding paragraph the expression " controlled parking zone " means an area containing roads on which parking places are authorised, the entrances for vehicular traffic to the area being indicated by a sign shown in diagram 806.

29. A road marking shown in diagrams 1019, 1020 or 1021 shall be used only in conjunction with at least one plate of the type shown in diagram 638 or 640 which plate shall be placed on the same side of the road as that on which is placed that marking and such a marking shall be placed on the footway as near as practicable to the edge of the carriageway or, if there is no footway, on the carriageway as near as is practicable to its edge, except that nothing in this paragraph shall require the provision of a plate in conjunction with any such marking if the marking is placed within a controlled parking zone.

30. The road marking shown in diagram 1023 may be placed on a road only in conjunction with the sign shown in diagram 602.

31. Studs incorporating reflectors may be placed on a road only if of a type the construction of which has first been approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be.

32. No sign, beacon, cone or portable traffic light signals used in accordance with the provisions of Regulation 27, 28, 29 or 33 respectively of the Regulations

may be retained at any place after the expiration of six months from the date on which the sign, beacon, cone or signals were erected at that place or such longer time as may be approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be, or in any case after the termination of the need for such sign, beacon, cone or signals.

33.—(1) Where the lamp mentioned in Regulation 30 of the Regulations is mounted on a post specially provided for the purpose—

- (a) if the post is erected on a street refuge or central reservation on a crossing to which Part II of Schedule 1 of the Pedestrian Crossings Regulations 1954<sup>(a)</sup> applies, the post shall be coloured black and white in alternate horizontal bands, each band being not less than 11 inches nor more than 13 inches in depth; and
- (b) if the post is erected elsewhere than on such a crossing, the post shall be coloured grey but with two white bands, each band being not less than 11 inches nor more than 13 inches in depth and being so arranged that at least 11 inches but not more than 13 inches extend between the nearest edges of the two bands and the upper edge of the uppermost band being at least 11 inches but not more than 13 inches below the lowest part of the lamp:

Provided that where such a post is constructed of concrete it shall not be coloured in either manner as aforesaid but shall remain in its natural colour.

(2) Nothing in the foregoing sub-paragraph shall apply to any such post erected as therein mentioned before the date of the coming into operation of these Regulations until the 31st December 1967.

34.—(1) Light signals for the control of vehicular traffic as prescribed by the Regulations may be placed on or near a road only—

- (a) so that they face the stream of traffic which the signals are intended to control; and
- (b) at sites approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be, after consideration of such plans for the sites, particulars of the apparatus to be used and information as to the volume and character of the traffic affected as he may require; and
- (c) in the case of light signals prescribed by paragraph (3) of Regulation 31 of the Regulations, if the mechanism by means of which the signals are capable of complying with the provisions of sub-paragraph (d) of the said paragraph (3) is of a type which has been approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be.

(2) Sub-paragraph (1)(b) of this paragraph shall not apply—

- (a) in the case of such light signals as are prescribed by paragraph (3) of Regulation 31 of the Regulations, being signals provided at or near to any level crossing in pursuance of an Order made by the Minister under section 66 of the British Transport Commission Act 1957<sup>(b)</sup> (which empowers the Minister to authorise special arrangements at public level crossings);
- (b) in the case of such portable light signals as are prescribed by Regulation 33 of the Regulations; or
- (c) in the case of any other light signals where the Minister or Secretary of State, as the case may be, has agreed to contribute, either wholly or in part, towards the cost of the installation of those signals.

(a) S.I. 1954/370 (1954 II, p. 1948).

(b) 5 & 6 Eliz. 2. c. xxxiii.

(3) The light signals mentioned in sub-paragraph (1) of this paragraph may be used only in conjunction with the road marking shown in diagram 1001 or, until the 31st December 1966, with the traffic sign shown in diagram No. RM1 mentioned in Regulation 3(1) of the Regulations.

(4) Sub-paragraph (3) of this paragraph shall not apply in the case at (b) in sub-paragraph (2) of this paragraph or during the execution of works on a road in the vicinity of the place where the light signals are erected if those works necessitate the temporary removal of the road marking or sign therein mentioned.

(5) In the case of the light signals mentioned in sub-paragraph (1) of this paragraph the head of the signals enclosing the lamps shall be coloured black or black and white in alternate horizontal bands and the post, if any, on which it is mounted shall, in so far as it extends above ground level, be coloured black and white in alternate horizontal bands, the lowest band visible to approaching traffic being coloured black and not less than 11 inches nor more than 3 feet 3 inches in width and, except in the case of the band which coincides with the lower edge of the lowest lamp supported by the post, each other band being not less than 11 inches nor more than 13 inches in width:

Provided that on and after the 31st December 1966 this sub-paragraph shall apply as respects the head of the signals as if the words " or black and white in alternate horizontal bands " were omitted.

35.—(1) In relation to light signals for pedestrians as prescribed by Regulation 35 of the Regulations sub-paragraphs (1)(b) and (2)(c) of the last preceding paragraph shall apply as they apply in relation to light signals for the control of vehicular traffic.

(2) The container enclosing the light signals for pedestrians shall be coloured black.

(3) Light signals for pedestrians shall be used only if the mechanism by means of which the signals are capable of complying with the provisions of paragraph (3)(b) of Regulation 35 of the Regulations is of a type which has been approved in writing by or on behalf of the Minister or the Secretary of State, as the case may be.

36. Where a sign shown in a diagram in Schedule 1 is mounted on a post specially provided for the purpose that part of the post which extends above ground level shall be coloured grey except—

- (a) in a case where different provision as to the colouring of the post is made in the foregoing provisions of these Directions;
- (b) in a case where the post is constructed of concrete and in this event it shall remain in its natural colour; or
- (c) in a case where the post is not likely to be readily visible to pedestrians and in this last mentioned case the post shall be coloured grey but with one white band of 6 inches in depth, the lower edge of the band being between 5 feet and 5 feet 6 inches above the level of the surface of the ground in the immediate vicinity.

37. The back of any sign shown in a diagram in Schedule 1 and any fitting provided for the assembly of such a sign, including any container enclosing apparatus for the illumination of the sign, shall be coloured—

- (a) black, if the sign is mounted on the same post as that on which light signals for the control of vehicular traffic as prescribed by the Regulations are mounted, and
- (b) grey in any other case.

38. Nothing in these Directions shall be taken to limit the power of the Minister or the Secretary of State, as the case may be, by any special Direction to dispense with, add to or modify any of the requirements of these Directions in their application to any particular case.

### PART III

#### GENERAL CITATION AND COMMENCEMENT

This Instrument may be cited as "The Traffic Signs Regulations and General Directions 1964", and shall come into operation on the 1st January 1965.

Given under the Seal of the Secretary of State  
the 20th November 1964.

(L.S.)

*William Ross*  
One of Her Majesty's Principal  
Secretaries of State.

Given under the Official Seal of the Minister of Transport  
the 20th November 1964.

(L.S.)

*Tom Fraser*  
The Minister of Transport.

### EXPLANATORY NOTE

*(This Note is not part of the Instrument, but is intended to indicate its general purport.)*

This Instrument in Part I re-enacts with major amendments the Traffic Signs Regulations 1957 and the amending Regulations set out in Schedule 6 to this Instrument. The Regulations in Part I introduce symbols to replace words wherever possible in traffic signs for use on roads generally, and prescribe the size, colour and type of directional and other informatory signs shown in Schedule 1, Part V, for use on motorways. Apart from these changes, other principal changes are:—

1. Regulation 7(a) applies section 14 of the Road Traffic Act 1960 (which makes it an offence for drivers to fail to conform to the indication given by certain traffic signs lawfully placed on roads) to certain new types of signs.
2. Regulation 11 prescribes the significance of the "STOP" sign shown in diagram 601 in Schedule 1 and the "GIVE WAY" sign shown in diagram 602 in that Schedule.
3. Regulations 15 and 18 make more stringent provision as to the illumination of signs by lighting or by the use of reflecting material.
4. Regulation 20 and the diagrams 1015 to 1018 in Schedule 2 provide for new road markings to indicate the existence of restrictions on waiting (except for the purpose of loading or unloading) applying to vehicular traffic and that Regulation and diagrams 1019 to 1021 provide for new road markings to indicate the existence of restrictions on waiting for the purpose of loading or unloading applying to such traffic.
5. Regulation 21 prescribes a new type of road marking shown in diagram 1003 in Schedule 2 for use at road junctions and Regulation 22 prescribes the significance of this marking.

6. Regulation 25 introduces new provision enabling road markings to be illuminated with reflecting material.
7. Regulation 35 and Schedule 4 prescribe new light signals incorporating symbolic figures for indicating when pedestrians should or should not cross the carriageway.

Part II of this Instrument re-enacts with amendments the Traffic Signs General Directions 1957 as amended. The principal changes are:—

1. A reduction is made in the number of signs which are required to have their sites approved by the Secretary of State or the Minister of Transport prior to their erection (Direction 5).
2. The “STOP” sign and the “GIVE WAY” sign are required to be used with particular road markings (Direction 10).
3. Subject to certain exceptions, posts specially provided for the purpose of mounting signs are required to be coloured grey (Direction 36) and the backs of signs are also to be coloured grey (Direction 37).

1964 No. 1858

**ROAD TRAFFIC**

**The Traffic Signs (Disqualification for Offences)  
Regulations 1964**

*Made* - - - - 20th November 1964  
*Laid before Parliament* 9th December 1964  
*Coming into Operation* 1st January 1965

The Minister of Transport and the Secretary of State acting jointly in exercise of their powers under paragraph 13 of Schedule 1 to the Road Traffic Act 1962(a), and of all other powers them enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the Road Traffic Act 1960(b), hereby make the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st January 1965 and may be cited as the Traffic Signs (Disqualification for Offences) Regulations 1964.

(2) The Traffic Signs (Disqualification for Offences) Regulations 1963(c) are hereby revoked.

(3) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by paragraph (2) of this Regulation were an Act of Parliament thereby repealed.

2. The signs specified for the purposes of paragraph 13 of Schedule 1 to the Road Traffic Act 1962 are:—

- (a) the sign shown in the diagram numbered 601 in Schedule 1 to the Traffic Signs Regulations 1964(e);
- (b) the light signals prescribed by Regulation 31, by Regulation 31 as varied by Regulation 32, or by Regulation 33 of the said Regulations;
- (c) the road marking shown in the diagram numbered 1013 in Schedule 2 to the said Regulations; and

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(a) 10 & 11 Eliz. 2. c. 59.

(c) S.I. 1963/902 (1963 II, p. 1512).

(b) 8 & 9 Eliz. 2. c. 16.

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1964/1857 (1964 III, p. 4053).



(d) until the 31st December 1966, inclusive of that date, the sign shown in the diagram numbered 204 in Schedule 1 to the Traffic Signs Regulations 1957(a), as amended (b), which in accordance with Regulation 3(1) of the said Regulations of 1964 is treated as if prescribed by those Regulations until the said date.

Given under the Seal of the Secretary of State the 20th November 1964.

(L.S.)

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

Given under the Official Seal of the Minister of Transport the 20th November 1964.

(L.S.)

*Tom Fraser,*  
The Minister of Transport.

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations re-enact with amendments the Traffic Signs (Disqualification for Offences) Regulations 1963 which specified three traffic signs for the purposes of paragraph 13 of Part II of Schedule 1 to the Road Traffic Act 1962 relating to the disqualification of drivers of motor vehicles.

These Regulations now specify for the purposes of paragraph 13 the "STOP" sign newly prescribed by the Traffic Signs Regulations 1964, the traffic light signals and the double white line road marking specified in the 1963 Regulations and, until the 31st December 1966, the "Halt at Major Road Ahead" sign also specified in the latter Regulations.

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(a) S.I. 1957/13 (1957 II, p. 2001).

(b) S.I. 1957/2149, 1960/1095 (1957 II, p. 2083; 1960 III, p. 2931).

1964 No. 1859

**ROAD TRAFFIC**

**The Traffic Signs (School Crossing Patrols) (England and Wales) Regulations 1964**

*Made* - - - - 20th November 1964  
*Laid before Parliament* 9th December 1964  
*Coming into Operation* 1st January 1965

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of the powers conferred upon him by section 48 of the Road Traffic Act 1960<sup>(a)</sup> and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on the 1st January 1965, and may be cited as the Traffic Signs (School Crossing Patrols) (England and Wales) Regulations 1964.

(2) The Interpretation Act 1889<sup>(b)</sup> shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purposes of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 2 of these Regulations were an Act of Parliament thereby repealed.

2. The Traffic Signs (School Crossing Patrols) Regulations 1953<sup>(c)</sup> are hereby revoked in so far as they apply in England and Wales.

3. Except where the Minister authorises the use of signs of another description, every sign which is exhibited by a school crossing patrol for the purpose of stopping any vehicle or vehicles in accordance with section 48 of the Road Traffic Act 1960 shall either—

- (a) be of the size, colour and type shown in diagram 1 in Part I of the Schedule to these Regulations subject, however, to the provisions of Part II of that Schedule; or
- (b) until the 31st August 1965, be of the size, colour and type shown in diagram 2 in the said Part I subject, however, to the provisions of the said Part II.

Given under the Official Seal of the Minister of Transport the 20th November 1964.

(L.S.)

*Tom Fraser,*  
 The Minister of Transport.

SCHEDULE

PART I

Diagram 1

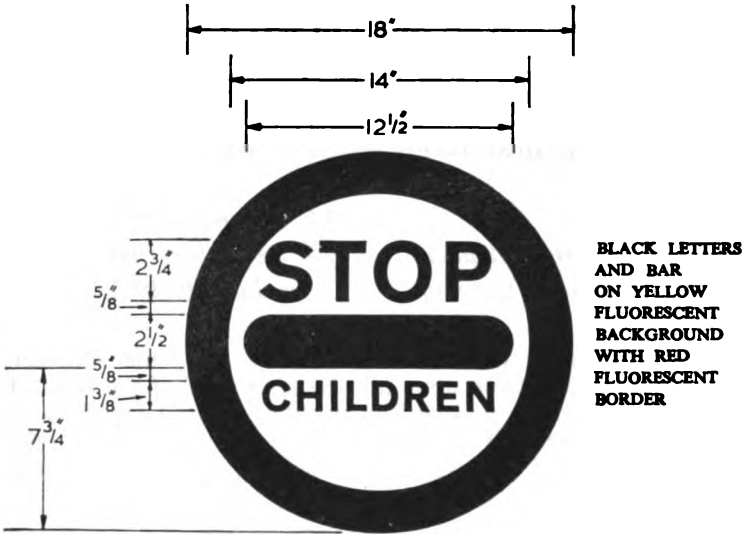
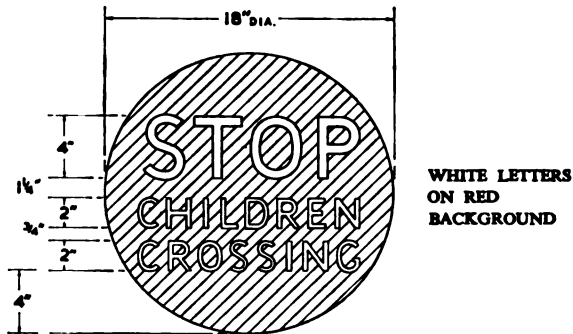


Diagram 2



PART II

1. Any variation in a dimension (other than as to the height of a letter) specified in either of the foregoing diagrams shall be treated as permitted by these Regulations if the variation—

- (a) in the case of a dimension so specified as 12 inches or as over 12 inches, does not exceed 2½% of that dimension ;
- (b) in the case of a dimension so specified as 2 inches or as over 2 inches but as under 12 inches, does not exceed 5% of that dimension ; or
- (c) in the case of a dimension so specified as under 2 inches, does not exceed 10% of that dimension.

2. Any variation in a dimension as to the height of a letter specified in either of the foregoing diagrams shall be treated as permitted by these Regulations if the variation—

- (a) in the case of a dimension so specified as 4 inches or as over 4 inches, does not exceed 2½% of that dimension ; or
- (b) in the case of a dimension so specified as under 4 inches, does not exceed 5% of that dimension.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, applying in England and Wales, re-enact with amendments the Traffic Signs (School Crossing Patrols) Regulations 1953 which prescribed the size, colour and type of the signs to be used by school crossing patrols to stop vehicles for the purpose of enabling children to cross roads on their way to and from school. The principal changes are:—

1. The size, colour and type of a new sign is prescribed.
2. The existing sign, which is shown in diagram 2 in the Schedule to the Regulations, may be used by school crossing patrols only until 31st August 1965.

## 1964 No. 1864

## DEFENCE

## ARMY

**The Rules of Procedure (Army) (Second Amendment)**  
**Rules 1964**

*Made* - - - - 23rd November 1964

*Laid before Parliament* 27th November 1964

*Coming into Operation* 28th November 1964

The Secretary of State in exercise of the powers conferred upon him by sections 103, 104, 105 and 106 of the Army Act 1955(a) and of all other powers enabling him in that behalf hereby makes the following Rules:—

*Citation and Commencement*

1.—(1) These Rules may be cited as the Rules of Procedure (Army) (Second Amendment) Rules 1964 and these Rules and the Rules of Procedure (Army) 1956(b) (hereinafter referred to as the “Principal Rules”) and other Rules amending the Principal Rules(c) shall be construed as one and may be cited together as “the Rules of Procedure (Army) 1956”.

(2) These Rules shall come into operation on 28th November 1964.

*Interpretation*

2.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) The Rules referred to by number in these Rules mean the Rules as numbered in the Principal Rules.

*Amendments to the Principal Rules*

3.—(1) The Principal Rules shall be amended in accordance with the provisions of the following paragraphs of this Rule.

(2) In Rule 2(1)(b) for the words “is guilty but insane;” there shall be substituted the words “is not guilty by reason of insanity;”.

(3) At the commencement of paragraph (1) of Rule 22 there shall be added the words “Subject to paragraphs (2) and (3) of this Rule”.

After paragraph (2) there shall be inserted the following paragraph as paragraph (3):—

“(3) When an officer convenes a court-martial consequent on an order authorizing a retrial made under the Criminal Appeal Act 1964(e) by the Court-Martial Appeal Court or Defence Council:—

(a) sub-paragraph (b) of paragraph (1) of this Rule shall not apply but the convening officer shall direct that a charge sheet shall be prepared in accordance with the provisions of paragraph 2 of Schedule I to the said Act and with any directions which may have been given by the Courts-Martial Appeal Court or the Defence Council under paragraph 4 of the said Schedule and that the accused shall be tried on the charge in that charge-sheet.

(a) 3 & 4 Eliz. 2. c. 18.

(b) S.I. 1956/162 (1956 I, p. 213).

(c) S.I. 1961/2223, 1964/1006 (1961 III, p. 3903; 1964 II, p. 2256).

(d) 52 & 53 Vict. c. 63.

(e) 1964 c. 43.

(b) When it is proposed to tender any evidence given by any witness at the original trial as evidence at the retrial in accordance with the provisions of paragraph 8 of the said Schedule the convening officer shall send to the accused as soon as practicable and in any case not less than 24 hours before his trial, and also to the President, the Judge Advocate (if any) and the Prosecutor a copy of any such evidence."

(4) In Rule 89 :—

(a) for the heading "INSANITY" there shall be substituted the heading "UNFITNESS TO STAND TRIAL AND INSANITY";

(b) for paragraphs (1) and (2) there shall be substituted the following:

(1) Where on the trial of a person the question of his fitness to be tried falls to be determined in accordance with the provisions of subsection (4A) of section 116 of the Act, the court shall take evidence as to his condition. If after considering the evidence they are of the opinion that the accused is fit to stand his trial, they shall proceed with the trial; but if they are of the opinion that the accused is unfit to stand his trial they shall so find and their finding shall be announced in open court forthwith and as being subject to confirmation.

(2) If a court, in the course of their deliberation on their finding on a charge find pursuant to subsection (2) of section 116 of the Act that the accused was not guilty of the offence by reason of insanity their finding shall be announced in open court forthwith and as being subject to confirmation.

(5) In paragraphs (1), (2) and (3) of Rule 101 after the words "court martial" there shall be inserted the words "or who has been found by a court-martial to be unfit to stand his trial or to be not guilty by reason of insanity".

(6) In paragraph (6) of the Fourth Schedule for the words "*Where the accused is unfit to stand his trial by reason of insanity*" to the words "guilty but insane", there shall be substituted the following—

*"Where the accused is unfit to stand his trial  
unfit to stand his trial.*

*Acquittal by reason of insanity  
not guilty by reason of insanity."*

*Dennis Healey,*

One of Her Majesty's Principal  
Secretaries of State.

Dated 23rd November 1964.

### EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules amend the Rules of Procedure (Army) 1956, by making provision for the procedure to be followed where a retrial is authorised by the Courts-Martial Appeal Court or a reviewing authority under Schedule 1 of the Criminal Appeal Act 1964, and for the new forms of findings resulting from Schedule 2 of the Criminal Procedure (Insanity) Act 1964.

## 1964 No. 1877

## AGRICULTURE

**The Price Stability of Imported Products (Rates of Levy No. 6) Order 1964***Made - - - - 25th November 1964**Coming into Operation 27th November 1964*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred upon him by section 1(2), (4), (5), (6) and (7) of the Agriculture and Horticulture Act 1964(a) and of all other powers enabling him in that behalf, hereby makes the following order :—

1. This order may be cited as the Price Stability of Imported Products (Rates of Levy No. 6) Order 1964; and shall come into operation on 27th November 1964.

2.—(1) In this order—

“ the Principal Order ” means the Price Stability of Imported Products (Levy Arrangements) Order 1964(b) as amended (c), and as amended by any subsequent order and if any such order is replaced by any subsequent order the expression shall be construed as a reference to such subsequent order ;

AND other expressions have the same meaning as in the Principal Order.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament, and as if this order and the orders hereby revoked were Acts of Parliament.

3. The Price Stability of Imported Products (Rates of Levy No. 3) Order 1964 (e) and the Price Stability of Imported Products (Rates of Levy No. 5) Order 1964 (f) are hereby revoked.

4. In accordance with and subject to the provisions of Part II of the Principal Order (which provides for the charging of levies on imports of certain specified commodities) the rate of general levy for such imports into the United Kingdom of any specified commodity as are described in column 2 of the Schedule to this order in relation to a tariff heading indicated in column 1 of the Schedule shall be the rate set forth in relation thereto in column 3 of the Schedule.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th November 1964.

(L.S.)

*A. J. D. Winniffrith,*  
Secretary.

(a) 1964 c. 28. (b) S.I. 1964/809 (1964 II, p. 1706).

(c) S.I. 1964/989, 1146, 1463, 1566 (1964 II, pp. 2229, 2570 ; III, pp. 3390, 3512).

(d) 52 & 53 Vict. c. 63. (e) S.I. 1964/1390 (1964 III, p. 3190).

(f) S.I. 1964/1725 (1964 III, p. 3843).

## SCHEDULE

1. Tariff Heading	2. Description of Imports	3. Rate of General Levy
10.01	Imports of :— Any wheat, other than denatured wheat and other than durum wheat for which a mini- mum import price level is prescribed ..	per ton £ s. d.  10 0
11.02	Rolled, flaked, crushed or bruised cereals— of wheat .. .. .	3 10 0

## EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order, which comes into operation on 27th November 1964, changes the rate of general levy to be charged (in accordance with and subject to the provisions of the Principal Order) on imports of—

- (a) wheat, other than denatured and durum wheat, for which a minimum import price level is prescribed—from 30s. to 10s. per ton ;
- (b) rolled, flaked, crushed or bruised wheat—from 60s. to 70s. per ton.



1964 No. 1882

## EXCHANGE CONTROL

**The Exchange Control (Authorised Dealers and Depositories)  
 (Amendment) (No. 2) Order 1964**

*Made* 25th November 1964

*Coming into Operation* 3rd December 1964

The Treasury, in exercise of the powers conferred upon them by sections 36(5) and 42(1) of the Exchange Control Act 1947(a), hereby make the following Order:—

1. Schedule 2 to the Exchange Control (Authorised Dealers and Depositories) Order 1964(b), as amended (c), shall be further amended as follows:—

(1) by inserting the words “ African Continental Bank Ltd.” under the words “ Afghan National Bank Ltd.”;

(2) by inserting the words “ Banque de Paris et des Pays-Bas Ltd.” under the words “ Banque de l’Indochine.”;

(3) by inserting the words “ First National Bank of Boston, The.” under the words “ English Transcontinental Ltd.”;

(4) by inserting the words “ Marine Midland Trust Company of New York, The.” under the words “ Manufacturers Hanover Trust Company.”;

(5) by inserting the words “ Overseas Union Bank Ltd.” under the words “ Ottoman Bank.”;

(6) by substituting for the words “ Sanwa Bank, Ltd.” the words “ Sanwa Bank, Ltd., The.”;

(7) by inserting the words “ United Bank Ltd.” under the words “ Ulster Bank Ltd.”.

2. This Order shall extend to the Channel Islands, and any reference in this Order to the Exchange Control Act 1947 includes a reference to that Act as extended by the Exchange Control (Channel Islands) Order 1947(d).

3. The Interpretation Act 1889(e) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4. This Order may be cited as the Exchange Control (Authorised Dealers and Depositories) (Amendment) (No. 2) Order 1964, and shall come into operation on the 3rd December 1964.

*Ifor Davies,*

*G. H. R. Rogers,*

Two of the Lords Commissioners  
of Her Majesty’s Treasury.

25th November 1964.

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(a) 10 & 11 Geo. 6. c. 14.  
 (c) S.I. 1964/323 (1964 I. p.525).  
 (e) 52 & 53 Vict. c. 63.

(b) S.I. 1964/211 (1964 I, p.391).  
 (d) S.R. & O. 1947/2034 (Rev. VI,  
 p. 1001 : 1947 I, p. 660).

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the list of persons authorised by the Treasury under the Exchange Control Act 1947 to act as dealers in gold and foreign currencies and as depositaries for the purpose of the deposit of securities.

1964 No. 1883

**BORROWING AND SECURITIES**

**The Government Bearer Bond (Prescribed Securities) Order 1964**

<i>Made - - - -</i>	<i>26th November 1964</i>
<i>Laid before Parliament</i>	<i>2nd December 1964</i>
<i>Coming into Operation</i>	<i>3rd December 1964</i>

The Treasury, in pursuance of the powers conferred on them by section 71(2) of the Finance Act 1963(a), hereby make the following Order:—

1. 3 per cent Savings Bonds 1960-1970 is hereby prescribed as a security to which section 71 of the Finance Act 1963 applies.
2. The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. This Order may be cited as the Government Bearer Bond (Prescribed Securities) Order 1964 and shall come into operation on 3rd December 1964.

*G. H. R. Rogers,  
J. McCann,*

Two of the Lords Commissioners of  
Her Majesty's Treasury

26th November 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

Section 71 of the Finance Act 1963 entitles the registered holder of a Government security to which the section applies to receive a bearer bond in lieu of the whole or any part of his holding. This Order prescribes 3 per cent Savings Bonds 1960-1970 as a security to which the section applies.

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(a) 1963 c. 25.

(b) 52 & 53 Vict. c. 63.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1889

WAGES COUNCILS

The Wages Regulation (Paper Bag) Order 1964

Made . . . . . 26th November 1964

Coming into Operation 18th December 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Paper Bag Wages Council (Great Britain) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Paper Bag) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 18th December 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Paper Bag) Order 1963(c), shall cease to have effect.

Dated 26th November 1964.

*R. J. Gunter,*  
Minister of Labour.

SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Paper Bag) Order 1963 (Order P. (80)).

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(a) 7 & 8 Eliz. 2. c. 69. (b) 52 & 53 Vict. c. 63. (c) S.I. 1963/1583 (1963 III, p. 2969).

## STATUTORY MINIMUM REMUNERATION

## PART I

## MALE WORKERS

## GENERAL MINIMUM TIME RATES

1. Subject to the provisions of paragraph 4 relating to workers who return to the trade after service with H.M. Forces and to the provisions of paragraph 6 relating to shift workers on a daily two-shift system, the general minimum time rates for male workers are as follows:—

		Per week of 42 hours	
		s.	d.
<b>(1) MACHINE TACKLERS (that is, workers who are engaged in setting, adjusting and keeping running paper bag machines, with or without printing or other attachments, and in superintending and carrying through all other operations that can be performed in whole or in part by such machines, or if under 21 years of age are engaged in one or more of such operations):—</b>			
<b>(a) Workers other than those to whom the minimum rates set out in sub-paragraph (1)(b) apply:—</b>			
Aged 21 years or over	...	...	233 0
" 20½ and under 21 years	...	...	194 3
" 20 "	20½ "	...	175 6
" 19½ "	20 "	...	154 3
" 19 "	19½ "	...	141 0
" 18½ "	19 "	...	127 6
" 18 "	18½ "	...	121 6
<b>(b) Workers entering the trade for the first time at or over the age of 20 years as machine tacklers, during the following periods of employment as such:—</b>			
During the 1st six months	...	...	160 0
" 2nd "	...	...	176 3
" 3rd "	...	...	195 0
" 4th "	...	...	211 9
" 5th "	...	...	228 0
Thereafter	...	...	233 0
<b>(2) PAPER BAG CUTTERS OR SLITTERS:—</b>			
<b>(a) Workers other than those to whom the minimum rates set out in sub-paragraph (2)(b) apply:—</b>			
Aged 21 years or over	...	...	207 6
" 20½ and under 21 years	...	...	173 9
" 20 "	20½ "	...	161 6
" 19½ "	20 "	...	144 6
" 19 "	19½ "	...	135 9
" 18½ "	19 "	...	126 9
" 18 "	18½ "	...	121 3
<b>(b) Workers entering the trade for the first time at or over the age of 20 years as paper bag cutters or slitters, during the following periods of employment as such:—</b>			
During the 1st six months	...	...	155 9
" 2nd "	...	...	164 6
" 3rd "	...	...	180 6
" 4th "	...	...	193 9
After two years	...	...	207 6

							Per week of 42 hours	
							s.	d.
<b>(3) HYDRAULIC PRESSERS, STOCK KEEPERS, PACKERS OR DESPATCHERS :—</b>								
<b>(a) Workers other than those to whom the minimum rates set out in sub-paragraph (3)(b) apply :—</b>								
Aged 21 years or over	...	...	...	...	...	197	0	
" 20½ and under 21 years	...	...	...	...	...	166	6	
" 20	"	20½	"	...	...	152	3	
" 19½	"	20	"	...	...	139	6	
" 19	"	19½	"	...	...	135	0	
" 18½	"	19	"	...	...	126	0	
" 18	"	18½	"	...	...	120	6	
<b>(b) Workers entering the trade for the first time at or over the age of 20 years as hydraulic pressers, stock keepers, packers or despatchers, during the following periods of employment as such :—</b>								
During the 1st six months	...	...	...	...	...	155	3	
" 2nd	"	"	...	...	...	160	9	
" 3rd	"	"	...	...	...	173	6	
" 4th	"	"	...	...	...	183	3	
After two years	...	...	...	...	...	197	0	

**(4) Workers other than those to whom the minimum rates set out  
in sub-paragraph (1), (2) or (3) apply :—**

Aged 21 years or over	...	...	...	...	...	190	0	
" 20½ and under 21 years	...	...	...	...	...	158	3	
" 20	"	20½	"	...	...	151	9	
" 19½	"	20	"	...	...	139	3	
" 19	"	19½	"	...	...	134	9	
" 18½	"	19	"	...	...	126	0	
" 18	"	18½	"	...	...	120	3	
" 17½	"	18	"	...	...	95	6	
" 17	"	17½	"	...	...	91	0	
" 16½	"	17	"	...	...	80	0	
" 16	"	16½	"	...	...	75	6	
" 15½	"	16	"	...	...	65	0	
" under 15½ years	...	...	...	...	...	60	6	

## PART II

### FEMALE WORKERS

#### GENERAL MINIMUM TIME RATES

2. Subject to the provisions of paragraph 6 relating to shift workers on a daily two-shift system, the general minimum time rates for female workers are as follows :—

							Per week of 42 hours	
							s.	d.
<b>(1) Workers who enter, or have entered, the trade for the first time under 18 years of age :—</b>								
<b>(a) Workers who enter, or have entered, the trade under 16 years of age :—</b>								
Aged under 15½ years	...	...	...	...	...	61	0	
" 15½ and under 16 years	...	...	...	...	...	65	3	
" 16	"	16½	"	...	...	76	3	
" 16½	"	17	"	...	...	80	9	
" 17	"	17½	"	...	...	92	0	
" 17½	"	18	"	...	...	100	3	
" 18 years or over	...	...	...	...	...	138	6	

		Per week of 42 hours	
		s.	d.
<b>(b) Workers who enter, or have entered, the trade at 16 and under 17 years of age :—</b>			
Aged 16 and under 16½ years	...	70	6
" 16½ " 17 "	...	77	3
" 17 " 17½ "	...	90	0
" 17½ " 18 "	...	98	3
" 18 years or over	...	138	6
<b>(c) Workers who enter, or have entered, the trade at 17 and under 18 years of age :—</b>			
Aged 17 and under 17½ years	...	86	6
" 17½ " 18 "	...	94	9
" 18 " 18½ "	...	123	9
" 18½ years or over	...	138	6
<b>(2) Workers who enter, or have entered, the trade for the first time at or over the age of 18 years :—</b>			
During the 1st six months' employment	...	115	3
" 2nd " " "	...	125	3
Thereafter	...	138	6

#### PIECE WORK BASIS TIME RATE

		Per week of 42 hours	
		s.	d.
3. The piece work basis time rate applicable to female workers of all ages (including home-workers) employed on piece work is ...		152	0

#### PART III

#### MALE WORKERS WHO RETURN TO THE TRADE AFTER SERVICE WITH H.M. FORCES

4. A male worker who was employed in the trade immediately preceding his entry into, and who has returned to the trade after, service with H.M. Forces is entitled to the general minimum time rate, appropriate to his class and age, specified in paragraph 1(1)(a), (2)(a), (3)(a), or (4) as the case may be, irrespective of the age at which he first entered the trade.

#### MALE AND FEMALE WORKERS

#### BASIS OF MINIMUM RATES

- 5.—(1) In this Schedule the expression " week " means :—
- (a) as respects the general minimum time rates applicable under Part I or Part II of this Schedule, a week of 42 hours, not being overtime ;
- (b) as respects the piece work basis time rate applicable under Part II of this Schedule, a week of 42 hours, not being overtime.
- (2) Where in any week a time worker works less than the number of hours referred to in sub-paragraph (1) of this paragraph he shall be paid for any time worked the hourly general minimum time rate, obtained by dividing by 42 the weekly general minimum time rate applicable to a worker of the same age and class when employed for a week.

### SHIFT WORKERS ON A DAILY TWO-SHIFT SYSTEM

- 6.—(1) Notwithstanding the provisions of paragraphs 1 to 4, the minimum rates of wages for shift workers on a daily two-shift system as defined in subparagraph (2) of this paragraph shall be one quarter more than the rate otherwise applicable, except that in the case of workers engaged in the making of multi-wall paper bags of three or more ply the minimum rates shall be one-eighth more than the rates otherwise applicable.
- (2) Shift workers on a daily two-shift system are workers who are employed on either a morning or an afternoon shift in an undertaking in which a daily two-shift system is operated.

### PART IV OVERTIME

#### NORMAL NUMBER OF HOURS

7. Subject to the provisions of this Part of this Schedule, the minimum overtime rates set out in paragraph 8 are payable to a worker in respect of any time worked:—
- (1) in the case of a worker whose attendance is normally required on five days only in the week—
- (a) in excess of the hours following, that is to say,
- |   |        |    |       |
|---|--------|----|-------|
| (i) in any week   | ... .. | 42 | hours |
| (ii) on any day other than a Saturday, Sunday or customary holiday— |        |    |       |
| where the normal working hours exceed 8½                            | ... .. | 9  | hours |
| or  |        |    |       |
| where the normal working hours are not more than 8½                 |        | 8½ | hours |
- (b) on a Saturday, Sunday or customary holiday
- (2) in the case of any other worker—
- (a) in excess of the hours following, that is to say,
- |   |        |    |       |
|---|--------|----|-------|
| (i) in any week   | ... .. | 42 | hours |
| (ii) on any day other than a Saturday, Sunday or customary holiday— |        |    |       |
| where the normal working hours exceed 8                             | ... .. | 8½ | hours |
| or  |        |    |       |
| where the normal working hours are not more than 8                  |        | 8  | hours |
| (iii) on a Saturday, not being a customary holiday—                 |        |    |       |
| where the normal working hours exceed 4                             | ... .. | 4½ | hours |
| or  |        |    |       |
| where the normal working hours are not more than 4                  |        | 4  | hours |
- (b) on a Sunday or customary holiday

Provided that the worker shall be treated as though he had worked for the employer for any normal working hours during which he is absent from work with the permission of the employer or on account of his proved sickness or accident to him or the allowance of a holiday under a wages regulation order.

#### MINIMUM OVERTIME RATES

8. Minimum overtime rates are payable to any worker as follows:—
- (1) on any day other than a Saturday, Sunday or customary holiday—
- |  |        |                    |
|--|--------|--------------------|
| (a) for the first 2 hours of overtime worked | ... .. | time-and-a-quarter |
| (b) for the next 2 hours                     | ... .. | time-and-a-half    |
| (c) thereafter                               | ... .. | double time        |



- (2) on a Saturday, not being a customary holiday—
- (a) where the employer normally requires the worker's attendance on five days only in the week—
- (i) for the first 2 hours worked ... .. time-and-a-quarter
  - (ii) for the next 3 hours ... .. time-and-a-half
  - (iii) thereafter ... .. double time
- (b) where the employer normally requires the worker's attendance on six days in the week—
- (i) for the first 2 hours of overtime worked ... time-and-a-quarter
  - (ii) for the next 2 hours ... .. time-and-a-half
  - (iii) thereafter ... .. double time
- (3) on a Sunday or a customary holiday—
- for all time worked ... .. double time
- (4) in any week, exclusive of any time for which daily overtime rates are payable under the foregoing provisions of this paragraph—
- for all time worked in excess of 42 hours ... .. time-and-a-quarter
- (5) In this paragraph the expressions "time-and-a-quarter", "time-and-a-half" and "double time" mean respectively—
- (a) in the case of a time worker, one and a quarter times, one and a half times and twice the hourly general minimum time rate applicable to a worker of the same age and class ;
- (b) in the case of a male piece worker—
- (i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate applicable to a time worker of the same age and class and in addition thereto,
  - (ii) piece rates, each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the said hourly general minimum time rate ;
- (c) in the case of a female piece worker, being either a worker aged less than 18 years who enters, or who has entered, the trade for the first time under the age of 17 years, or a worker who enters, or has entered, the trade for the first time at the age of 17 years or over and who has not completed one year's employment in the trade—
- (i) a time rate equal respectively to one quarter, one half and the whole of the hourly general minimum time rate applicable to a time worker of the same age and class, and in addition thereto,
  - (ii) piece rates, each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the hourly piece work basis time rate ;
- (d) in the case of any other female piece worker—
- (i) a time rate equal respectively to one quarter, one half and the whole of the hourly rate obtained by dividing by 42 the amount of the piece work basis time rate, and in addition thereto,
  - (ii) piece rates, each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the hourly piece work basis time rate.
- (6) In this paragraph the expression "customary holiday" means
- (a) (i) In England and Wales—
- Christmas Day (or, if Christmas Day falls on a Sunday, such weekday as may be appointed by national proclamation, or, if none is so appointed, the next following Tuesday), Boxing Day, Good Friday, Easter Monday, Whit Monday, August Bank Holiday and any day proclaimed as an additional bank holiday or as a public holiday ;

**(ii) In Scotland—**

**New Year's Day (or, if New Year's Day falls on a Sunday, the following Monday);**

**the local Spring holiday;**

**the local Autumn holiday;**

**three other days (being days on which the worker normally works) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday; and any day proclaimed as an additional bank holiday or as a public holiday;**

**or (b) in the case of each of the said days (other than a day fixed by the employer in Scotland and notified to the worker as aforesaid) a day substituted by the employer therefor being a day recognised by local custom as a day of holiday in substitution for the said day.**

**PART V****GENERAL****FRACTIONS OF A PENNY**

- 9. Where the wages due contain a fraction of a penny, any such fraction shall be treated as a penny.**

**WORKERS EMPLOYED ON PIECE WORK**

- 10. Subject to the provisions of paragraphs 7 and 8, workers employed on piece work shall be paid piece rates each of which would yield, in the circumstances of the case, to an ordinary worker, at least the same amount of money as the piece work basis time rate, or where no piece work basis time rate applies at least the same amount of money as the general minimum time rate applicable to a time worker of the same age and class.**

**WAITING TIME**

- 11.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—**
- (a) without the employer's consent express or implied;**
  - (b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform;**
  - (c) by reason only of the fact that he is resident thereon;**
  - (d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.**
- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be payable if he were a time worker.**

**APPLICABILITY OF STATUTORY MINIMUM REMUNERATION**

- 12. This Schedule applies to workers in relation to whom the Paper Bag Wages Council (Great Britain) operates, that is to say, workers employed in Great**

Britain in the trade specified in the Regulations dated 10th July 1919(a), made by the Minister with respect to the constitution and proceedings of the Trade Board for the Paper Bag Trade (Great Britain) namely:—

The manufacture from paper (including gauze-lined or cloth-lined paper) of any bag or container without a gummed flap, including the operations of packing, parcelling, warehousing, receiving, store-keeping, despatching, time-keeping, lift-operating, and cleaning, when these operations are carried on in connection with paper-bag manufacture, and including the printing of paper bags when the printing apparatus is attached to the making apparatus; but excluding the manufacture of bags or containers with ungummed flaps (for use in the transmission of printed matter or samples), when made by the same processes as gummed envelopes, and excluding the manufacture of receptacles from cardboard, such as boxes, cartons or skillets.

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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 18th December 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Paper Bag) Order 1963 (Order P. (80)), which is revoked.

New provisions are printed in italics.

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(a) S.R. & O. 1919/972 (1919 II, p. 560).

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 STATUTORY INSTRUMENTS
 

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1964 No. 1890

## FACTORIES

**The Fees of Appointed Factory Doctors (No. 2)  
Order 1964**

*Made - - - - - 26th November 1964*  
*Coming into Operation 7th December 1964*

The Minister of Labour (hereinafter referred to as "the Minister") by virtue of the powers conferred on him by section 152 of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

*Citation and commencement*

1. This Order may be cited as the Fees of Appointed Factory Doctors (No. 2) Order 1964 and shall come into operation on 7th December 1964.

*Revocation and amendment*

2.—(1) The Fees of Appointed Factory Doctors Order 1962(b) and the Fees of Appointed Factory Doctors Order 1963 (c) are hereby revoked.

(2) For the reference to the Fees of Appointed Factory Doctors Order 1963 in Article 2(2) of the Fees of Appointed Factory Doctors (No. 1) Order 1964(d) there shall be substituted a reference to this Order.

*Interpretation*

3.—(1) The Interpretation Act 1889(e) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Orders hereby revoked were Acts of Parliament.

(2) For the purposes of this Order, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“the appointed factory doctor’s central point” means a place fixed by the Chief Inspector for the purpose of calculating the mileage or, where no place is so fixed, the residence of the appointed factory doctor;

“the principal Act” means the Factories Act 1961 as amended by or under any other Act;

“section” means section of the principal Act.

*Fees of Appointed Factory Doctors*

4.—(1) Subject to the provisions of Article 5 of this Order, the Minister hereby determines that the fees payable by occupiers of factories to appointed factory doctors for the carrying out of such of their duties under the principal Act as are specified in paragraphs (2), (3) and (4) of this Article shall be of the amounts respectively so specified.

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(a) 9 & 10 Eliz. 2. c. 34.  
(c) S.I. 1963/1160 (1963 II, p. 1993).  
(e) 52 & 53 Vict. c. 63.

(b) S.I. 1962/895 (1962 II, p. 1045).  
(d) S.I. 1964/1729 (1964 III, p. 3849).

(2) For examinations of young persons under section 99(4) or under section 118, or after the service by an inspector on the occupier of a notice under section 119 as to the employment of a young person in a factory, the fees shall be as follows, that is to say:—

- (a) when the examination is at the factory—fourteen shillings and sixpence for the first and eight shillings and sixpence for each other person examined on the occasion of any one visit to the factory, and in addition, if the distance (measured by the shortest route by which the appointed factory doctor can travel by road) between the appointed factory doctor's central point and the factory exceeds two miles, two shillings for each complete mile by which that distance exceeds two miles;
- (b) when the examination is not at the factory but at the residence of the appointed factory doctor or at some other place appointed by him for the purpose and approved by the Chief Inspector—eight shillings and sixpence for each person examined.

(3) For examinations of persons for the purposes of the undermentioned Regulations the fees shall (wherever the examinations take place) be as follows, that is to say:—

- (a) in the case of the Work in Compressed Air Special Regulations 1958(a), thirty-six shillings for the first examination of any person for the purposes of those Regulations and twelve shillings for any other examination of that person for the purposes of those Regulations;
- (b) in the case of the Diving Operations Special Regulations 1960(b), forty-eight shillings for the first examination of any person for the purposes of those Regulations and twenty-four shillings for any other examination of that person for the purposes of those Regulations; and
- (c) in the case of the Ionising Radiations (Sealed Sources) Regulations 1961(c), forty-eight shillings for the first examination of any person for the purposes of those Regulations and twenty-four shillings for any other examination of that person for the purposes of those Regulations; and in addition, if the distance (measured as aforesaid) between the appointed factory doctor's central point and the place of the examination exceeds two miles, two shillings for each complete mile by which that distance exceeds two miles.

(4) For examinations of employed persons for the purposes of section 75 or of any Regulations under section 76 (other than the Regulations specified in paragraph (3) of this Article), the fees shall be as follows, that is to say:—

- (a) when the examination is at the factory or other place of employment—fourteen shillings and sixpence for the first and five shillings for each other person examined on the occasion of any one visit to the factory or place, and in addition, if the distance (measured as aforesaid) between the appointed factory doctor's central point and the factory exceeds two miles, two shillings for each complete mile by which that distance exceeds two miles;
- (b) when the examination is not at the factory or other place of employment but at the residence of the appointed factory doctor or at some other place appointed by him for the purpose and approved by the Chief Inspector—five shillings for each person examined.

(a) S.I. 1958/61 (1958 I, p. 1115).  
(c) S.I. 1961/1470 (1961 II, p. 2975).

(b) S.I. 1960/688 (1960 II, p. 1410).

**5. The fees specified in this Order—**

- (a) are subject to any agreement between the appointed factory doctor and the occupier of a factory;
- (b) include payment for the making of entries in registers, the issuing or refusal of certificates and the carrying out of other duties as may be required in connection with the examinations;
- (c) do not cover, in the case of the fees specified in Article 4(2) and (4) of this Order, any special examinations of the blood, microscopical examinations of urine, X-ray examinations, serological tests or other special investigations undertaken in connection with examinations of employed persons on particular occasions or in particular instances (and this Order shall be without prejudice to the making of arrangements between the appointed factory doctor and the occupier of a factory for the carrying out of such special investigations); and
- (d) do not cover, in the case of the fees specified in Article 4(3) of this Order, any examination of the blood or any other special examination required in pursuance of Regulation 27(2) of the Ionising Radiations (Sealed Sources) Regulations 1961, or any chest examination by radiography required in pursuance of Regulation 9 of the Diving Operations Special Regulations 1960.

Dated 26th November 1964.

**R. J. GUNTER,**  
Minister of Labour.

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**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order determines the amount of fees payable by occupiers of factories to appointed factory doctors for various services required under the Factories Act 1961. It increases the fees determined by the Fees of Appointed Factory Doctors Order 1962 and the Fees of Appointed Factory Doctors Order 1963 which are revoked. The fees determined by this Order can be varied by agreement between the appointed factory doctor and the occupier of a factory.

**1964 No. 1891**

**FACTORIES**

**The Reports of Appointed Factory Doctors Order 1964**

*Made - - - - 26th November 1964*  
*Coming into Operation 1st January 1965*

The Minister of Labour by virtue of the powers conferred on him by section 151(7) of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following Order :—

1.—(1) This Order may be cited as the Reports of Appointed Factory Doctors Order 1964 and shall come into operation on 1st January 1965.

(2) The Reports of Appointed Factory Doctors Order 1963(b) is hereby revoked.

2. The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament, and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The report to the Minister of Labour for the year ended 31st December 1964 required by section 151(7) of the Factories Act 1961 to be made by every appointed factory doctor as to examinations made and other duties performed by him in pursuance of that Act shall be made during the month of January 1965 and shall be in the form set out in the Schedule to this Order.

Dated 26th November 1964.

*R. J. Gunter,*  
 Minister of Labour.

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(a) 9 & 10 Eliz. 2. c. 34.

(b) S.I. 1963/1917 (1963 III, p. 3759).  
 (c) 52 & 53 Vict. c. 63.

Article 3

**SCHEDULE**  
**FORM OF REPORT BY APPOINTED FACTORY DOCTOR FOR THE YEAR ENDED 31st DECEMBER 1964**

F. 520

This report is to be forwarded to:—  
**H.M. CHIEF INSPECTOR OF FACTORIES,**  
 Ministry of Labour,  
 19, St. James's Square,  
 LONDON, S.W.1.  
 on or before 31st January 1965.

Tables I and II to be completed by an Appointed Factory Doctor for a District and by an Appointed Factory Doctor appointed to carry out medical examinations of young persons for particular works.

**Table I.—Examinations for Certificates of Fitness for Employment under the Factories Act.**  
**(Sections 99, 118 and 119 of Factories Act 1961)**

M/c. Line Number	Young Persons presented as being between 15 and 18 years of age (Each examination of each young person to be counted)	Number of Examinations			Number of Certificates						Number of Rejections		M/c. Line Number
		Without Conditions		Conditional		Provisional		Male	Female	Male	Female		
		Male	Female	Male	Female	Male	Female						
(1)		(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	1
A	FIRST EXAMINATION AFTER LEAVING SCHOOL for employment under the Factories Act												2
B	SUBSEQUENT examinations including annual and those due to change of employment and those following conditional or provisional certificates												3
C	Boys over 16 years of age for employment AT NIGHT												
	TOTAL												

NOTE: 1. The number to be entered in column (2) Items A and B is the sum of columns (5), (7), (9) and (11).  
 2. The number to be entered in column (3) Items A and B is the sum of columns (6), (8), (10) and (12).



Table II.—Causes of Rejection. (Columns (11) and (12) of Table I only)

		Part 1		Part 2			
M/c. Line Number	Defect or Disease	Number		Defect or Disease	Number		M/c. Line Number
		Male	Female		Male	Female	
4	Malnutrition	...		Circulatory System: Heart ...			4
5	Undersize	...		" Anaemia			5
6	Deformity	...		" Chorea			6
7	Skin...	...		" Epilepsy			7
8	Pediculosis	...		" Mental defect			8
9	Eyes: Refractive errors	...		" Other			9
10	Eyes: Other, or Eyelids	...		Bones and joints			10
11	Mouth and teeth	...		Specific fevers			11
12	Nose	...		Rheumatism			12
13	Throat	...		Hernia...			13
14	Ears: Defective hearing	...		Other causes—specify			14
15	" Other	...					15
16	Glands	...					16
17	Respiratory System: Tuberculosis	...					17
18	" " Other	...					18
	Total Part 1	...		Total Part 2	...		
				Grand Total Parts 1 and 2	...		

[Please insert Signature overleaf

Table III is to be completed by an Appointed Factory Doctor for a District or by a doctor appointed or approved under Regulations

Table III

Particulars of examinations undertaken in accordance with Special Regulations, and sections 75 and 128 of the Factories Act 1961

M/c. Line Number	(1)	Examinations (Each examination of each worker to be counted)			Suspensions*		Rejections on first examina- tion as unfit	Certificates permitting return to work after suspension	M/c. Line Number
		Males	Females	Total	Males	Females			
		(2)	(3)	(4)	(5)	(6)			
	(1)						(8)		
	<b>DETAILS OF STATUTORY PERIODIC MEDICAL EXAMINATIONS Under Special Regulations:—</b>								
	<b>Chemicals:</b>								
19	(a) Nitro and amido processes ... ..							19	
20	(b) Chrome processes ... ..							20	
21	Chromium Plating and Anodic Oxidation							21	
22	Diving Operations ... ..							22	
23	Electric Accumulators ... ..							23	
24	Heading of Yarn ... ..							24	
25	India Rubber:							25	
26	(a) Lead processes ... ..							26	
27	(b) Furne processes ... ..							27	
28	Ionising Radiations (Sealed Sources)							28	
29	Lead Compounds (Carbonate, etc.)							29	
30	Lead Smelting, etc.:							30	
31	(a) Smelting of lead ... ..							31	
32	(b) Making of flaked litharge ... ..							32	
33	(c) Making of red and orange lead							33	
34	Luminising ... ..							34	
35	Mule Spinning (Health)							35	
	Paint and Colour Works ... ..								
	Patent Fuel ... ..								

M/c. Line Number	Examinations (Each examination of each worker to be counted)	Suspensions*		Rejections on first examina- tion as unfit	Certificates permitting return to work after suspension	M/c. Line Number			
		Males	Females				Males	Females	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	
36	Pottery (Health and Welfare):								36
37	(a) Lead processes (see Part I of the First Schedule to Regulations)—								37
38	(i) Frit, glaze and colour mixing, etc.		—						38
39	(ii) Flow material preparation, etc.		—						39
40	(iii) Colour blowing, etc. ...								40
41	(iv) Ground laying, colour dusting...								41
42	(v) Colour grinding... ..								42
43	(vi) Litho-transfer making ... ..								43
44	(vii) Other lead processes ... ..								44
45	(b) Regulation 6(7)—								45
46	Lifting or carrying by young persons								46
47	(c) Regulation 25(2)—								47
48	Colour blowing (Eyesight) ... ..								48
	Tinning of Hollow-ware, etc. ... ..								
	Vitreous Enamelling of Metal or Glass ... ..								
	Work in Compressed Air ... ..								
	(ii) Under s. 75 or s. 128 of the Factories Act 1961 (and not included above):—								
	Processes involving use of Lead Compounds								

\* Suspensions means suspensions of all descriptions (excluding initial rejections—see col. (7)) under Regulations, made at the periodic examination or otherwise. They include therefore those occasioned by notice of poisoning received by the Appointed Factory Doctor unless the worker has been suspended already by a medical practitioner appointed under the Regulations for the factory concerned.

— Indicates an entry is not applicable.

Signature of Doctor..... Date.....

Address (Private Residence).....

.....

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order prescribes the form of report required to be made by appointed factory doctors under the Factories Act 1961 for the year 1964 and the time at which the report is to be made.

1964 No. 1892

**LAND DRAINAGE AND IMPROVEMENT OF LAND****The Land Drainage (Compensation) Regulations 1964**

*Made* - - - - 26th November 1964  
*Laid before Parliament* 8th December 1964  
*Coming into Operation* 9th December 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 18(6) of the Land Drainage Act 1961(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

**PART I****PRELIMINARY***Citation and commencement*

1. These regulations may be cited as the Land Drainage (Compensation) Regulations 1964, and shall come into operation on 9th December 1964.

*Interpretation*

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

“ accrued pension ” in relation to a pensionable officer who has suffered loss of employment means—

(a) if the pension scheme to which the officer was last subject before suffering loss of employment provided benefits in which he had no right to participate but in which he had reasonable expectations of participating, such portion of any pension benefit of which he had reasonable expectations as the compensating authority consider equitable, having regard to his age, the length of his employment at the date of loss and all the other circumstances of the case ; and

(b) in any other case, the aggregate of (i) the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation (modified where necessary in accordance with regulation 22(2) of these regulations) prescribed by the pension scheme to which he was last subject before suffering loss of employment, if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in the course of making, and (ii) the annual value as ascertained by an actuary of any contingent right

under the scheme in respect of widow's pension or any other benefit which might have become payable to his widow or other dependant or his personal representative on his death had he not lost his employment.

"accrued retiring allowance" in relation to a pensionable officer who has suffered loss of employment means—

(a) if the pension scheme to which the officer was last subject before suffering loss of employment provided benefits in which he had no right to participate but in which he had reasonable expectations of participating, such portion of any lump sum payment of which he had reasonable expectations as the compensating authority consider equitable having regard to his age, the length of his employment at the date of loss, and all the other circumstances of the case ; and

(b) in any other case, any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation (modified where necessary in accordance with regulation 22(2) of these regulations) prescribed by the pension scheme to which he was last subject before suffering loss of employment, if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in course of making ;

"accrued incapacity pension" and "accrued incapacity retiring allowance" have the same respective meanings as "accrued pension" and "accrued retiring allowance" except that the reference to a person's having attained normal retiring age shall be construed as a reference to his having become incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

"the Act" means the Land Drainage Act 1961 ;

"added years" in relation to a person who suffers loss of employment means—

(a) in the case of a contributory employee or local Act contributor any additional years of service reckonable by him in his employment immediately prior to the loss in question under regulation 12 of the Local Government Superannuation (Benefits) Regulations 1954(a) or any corresponding provision of a local Act scheme, and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(b), or any other enactment ; and

(b) in the case of any other person employed by a river board, any additional years of service of the nature of additional years of service referred to in paragraph (a) of this definition which at the date of the loss in question have become, or are in course of becoming, reckonable in his employment with such river board ;

(a) S.I. 1954/1048 (1954 II, p. 1595).

(b) 11 & 12 Geo. 6. c. 33.

“additional contributory payments” means—

- (a) additional contributory payments of the kind referred to in section 2(3) and (4) of the Local Government Superannuation Act 1953(a), or
- (b) any similar payments made under a local Act scheme or other pension scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or, where the scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme ; or
- (c) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme ; or
- (d) any payments similar to any of those mentioned in the foregoing sub-paragraphs made in pursuance of rules under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 ;

“compensating authority”, in relation to any person who suffers loss of employment or loss or diminution of emoluments, means the river board by whom or under whose officer the person was employed immediately before the loss or diminution in question ;

“contributory employee” and “local Act contributor” have the same meanings as in the Local Government Superannuation Act 1937(b) ;

“drainage authority” has the same meaning as in the Land Drainage Act 1930(c) ;

“emoluments” means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime (other than payments which are a usual incident of his employment) or any allowances payable to him to cover the cost of providing office accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment ; and

“net emoluments” means—

- (a) in relation to an employment which has been lost or in which an officer has suffered a diminution of emoluments, the annual rate of the emoluments of that employment immediately before such loss or diminution, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his employment, except any periodical sum payable in respect of additional contributory payments ; and
- (b) in relation to any other employment, the annual rate of the emoluments of that employment at the time in question, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his employment ;

Provided that where fees were paid to a person as part of his emoluments during any year prior to that immediately preceding the loss or diminution, the amount in respect of fees to be included in the annual rate of emoluments mentioned in sub-paragraph (a) hereof shall be the annual average

(a) 1 & 2 Eliz. 2. c. 25. (b) 1 Edw. 8 & 1 Geo. 6. c. 68.  
(c) 20 & 21 Geo. 5. c. 44.

of the fees paid to him during the period of five years immediately preceding the loss or diminution, or such shorter period, as may be reasonable in the circumstances ;

“ local authority ” means the council of a county, county borough, metropolitan borough, London borough, county district, rural parish or borough included in a rural district and includes the Greater London Council, the Common Council of the City of London, and the council of the Isles of Scilly and any two or more of those authorities acting jointly and any joint committee, combined authority or joint board ;

“ long-term compensation ” means compensation payable in accordance with the provisions of Part IV of these regulations for loss of employment or loss or diminution of emoluments ;

“ material date ”, in relation to any person who has suffered loss of employment or loss or diminution of emoluments, means—

(a) for the purposes of Regulation 3 of these regulations, the date on which was made the order to which, or to anything done in pursuance of which, such loss or diminution was attributable ; and

(b) for any other purpose of these regulations, the date of the coming into operation of that order ;

“ minimum pensionable age ” means, in relation to a pensionable officer, the earliest age at which, under the pension scheme associated with the employment he has lost or the emoluments of which have been diminished, he could have become entitled to a pension other than a pension payable in consequence of his incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

“ Minister ” means the Minister of Agriculture, Fisheries and Food ;

“ national service ” means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), and includes service immediately following such service as aforesaid, being service in any of Her Majesty’s naval, military or air forces pursuant to a voluntary engagement entered into with the consent of the authority or person under whom he held his last preceding relevant employment ;

“ normal retiring age ” means, in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any pension scheme to which he was subject in the employment he has lost or the emoluments of which have been diminished or by virtue of the conditions of that employment, that age, and, in any other case, the age of sixty-five years if the officer is a male, or sixty years if the officer is a female ;

“ office ” means any place, situation or employment, and the expression “ officer ” shall be construed accordingly ;

“ pensionable officer ” in relation to an officer who has suffered loss of employment or loss or diminution of emoluments, means an officer who immediately before such loss or diminution was subject to any pension scheme associated with his employment as an officer ;

“ pension scheme ” means a scheme for the payment of superannuation benefits to a person as part of the terms and conditions of any employment held by him ;



“reckonable service”, in relation to any person, means any period of whole-time or part-time employment in any relevant employment and includes any period of war service or national service undertaken on the person’s ceasing to hold any such employment but does not include employment of which account has been taken, or is required to be taken, in calculating the amount of any superannuation benefit to which the person has become entitled ;

“relevant employment” means employment—

- (a) under the Crown or in the service of any local authority in Great Britain, or of any drainage authority or river board, or
- (b) by any authority or body for the purposes of the Crown or of any such authority or board as aforesaid, or
- (c) under any officer employed as mentioned in either of the foregoing paragraphs of this definition for the purposes of the functions of the employing authority or body, or
- (d) preceding any of the foregoing employments which was reckonable for the purposes of any pension scheme associated with the employment which has been lost, or
- (e) in such other service as the Minister may, in the case of any named officer, approve ;

“resettlement compensation” means compensation payable in accordance with Part III of these regulations for loss of employment suffered by a person to whom these regulations apply ;

“retirement compensation” means compensation payable in accordance with the provisions of regulation 17, 18, 19 or 20 of these regulations ;

“tribunal” means a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor ;

“war service” means war service within the meaning of the Local Government Staffs (War Service) Act 1939(a) or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act 1940(b) and includes any period of service in the First World War in the armed forces of the Crown or in the forces of the Allied or Associated Powers if such service immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) Where under any provision of these regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be ascertained in accordance with tables for the time being approved by the Minister for the purposes of these regulations.

(3) Unless the context otherwise requires, references in these regulations to the provisions of any enactment, rule, regulation, order or scheme shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment, rule, regulation, order or scheme.

(4) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

**PART II****ENTITLEMENT TO COMPENSATION***Persons to whom the regulations apply*

3. These regulations shall apply to any person who was employed immediately before the material date, either for the whole or for a part only of his time, as an officer of a river board or under such an officer for the purposes of the functions of that board.

*Grounds of entitlement to compensation*

4. Subject to the provisions of these regulations, every person to whom these regulations apply and who suffers loss of employment or loss or diminution of emoluments which is attributable to an order made under section 18(2) of the Act or anything done in pursuance of any such order shall be entitled to have his case considered for the payment of compensation under these regulations and such compensation shall be determined in accordance with the following provisions of these regulations.

**PART III****RESETTLEMENT COMPENSATION FOR LOSS OF EMPLOYMENT***Persons to whom Part III of the regulations apply*

5.—(1) The compensating authority shall, subject to the provisions of these regulations—

- (a) consider and determine the entitlement to resettlement compensation of every person to whom this Part of these regulations applies who claims such compensation and in relation to whom the conditions set out in the next succeeding regulation are satisfied, and
- (b) pay the amount of any compensation so determined.

(2) This Part of these regulations applies to a person who at the date of the loss of employment had not attained normal retiring age and who had been for a period of not less than three years immediately preceding the material date continuously engaged (exclusive of breaks not exceeding in the aggregate six months) for the whole or part of his time in relevant employment (which expression for this purpose includes any period of national service immediately following such employment).

*Conditions for payment of resettlement compensation*

6.—(1) Without prejudice to any other requirement of these regulations, nothing in these regulations shall entitle a person to resettlement compensation unless—

- (a) he has suffered loss of employment attributable to any such order as is mentioned in regulation 4 of these regulations or to anything done in pursuance of any such order, not later than ten years after the material date ;
- (b) he has made his claim for resettlement compensation in accordance with the provisions for making claims set out in Part VII of these regulations not later than thirteen weeks after the loss of employment which is the cause of his claim ;
- (c) the loss of employment which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform ; and

(d) he has not, subject to paragraph (3) of this regulation, been offered any reasonably comparable employment under the Crown or in the service of a river board, a drainage authority or a local authority.

(2) In ascertaining for the purposes of this regulation whether a claimant has been offered employment which is reasonably comparable with the employment which he has lost no account shall be taken of the fact that the duties of the employment offered are in relation to the administration of a different service from that in connection with which his employment was held or are duties which involve a transfer of his employment from one place to another within England or Wales.

(3) No account shall be taken for the purposes of this regulation of an offer of employment where the compensating authority are satisfied—

- (a) that acceptance would have involved undue hardship to the claimant, or
- (b) that the claimant was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

*Amount of resettlement compensation*

7.—(1) Subject to the provisions of paragraph (2) of this regulation, resettlement compensation payable to a person to whom this Part of these regulations applies shall for each week for which such compensation is payable be a sum ascertained by taking two thirds of the weekly rate of the net emoluments which the claimant has lost and deducting therefrom such of the following items as may be applicable:—

- (a) unemployment, sickness or injury benefit under any Act relating to National Insurance at the current rate for a person having no dependants, in so far as any such benefit (whether at that or any other rate) is claimable by him in respect of such week ;
- (b) two thirds of the net emoluments received by him in respect of such week from work or employment undertaken in place of the employment which he has lost ;
- (c) any periodical payment to which he is entitled in respect of such week by virtue of any pension scheme to which he was subject in relation to the employment which he has lost.

(2) In determining the amount of resettlement compensation the compensating authority shall have regard to any payments to which the claimant becomes entitled in consequence of the loss of his employment under any contract or arrangement with the authority by whom he was employed (other than payments by way of a return of contributions under a pension scheme).

(3) For the purposes of this regulation the weekly rate of claimant's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

*Period for payment of resettlement compensation*

8. Subject as hereinafter provided, resettlement compensation to a person to whom this Part of these regulations applies shall be payable in respect of the period of thirteen weeks next succeeding the week in which he lost the employment in respect of which his claim has been made or, in the case of a claimant who has attained the age of forty-five years, the said thirteen weeks extended by one additional week for every year or his age after attaining the age of forty-five years and before the date of the loss of employment subject to a maximum addition of thirteen such weeks.

*Claimant for resettlement compensation to furnish particulars of employment*

9. Every claimant for resettlement compensation shall (after as well as before the compensation begins to be paid)—

- (a) forthwith supply the compensating authority in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and
- (b) if the compensating authority so requires, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Ministry of Labour.

*Additional provisions relating to resettlement compensation*

10. Resettlement compensation shall be payable to a claimant at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority and shall forthwith be terminated by the compensating authority—

- (a) if without reasonable cause the claimant fails to comply with any of the provisions of the last foregoing regulation, or
- (b) if, on being requested to do so, he fails to satisfy the compensating authority that, so far as he is able, he is seeking suitable employment.

## PART IV

LONG-TERM COMPENSATION FOR LOSS OF EMPLOYMENT OR LOSS  
OR DIMINUTION OF EMOLUMENTS*Persons to whom Parts IV and V of the regulations apply*

11.—(1) The compensating authority shall, subject to the provisions of these regulations—

- (a) consider and determine the entitlement to long-term and retirement compensation of every person to whom this and the next succeeding Part of these regulations apply who claims such compensation and in relation to whom the conditions set out in the next succeeding regulation are satisfied, and
- (b) pay the amount of any compensation so determined.

(2) This Part and Part V of these regulations apply to a person who had been for a period of not less than eight years immediately preceding the material date continuously engaged (without a break of more than twelve months at any one time) for the whole or part of his time in relevant employment (which expression for this purpose includes any period of national service immediately following such employment), and who at the date of the loss of employment or loss or diminution of emoluments had not, save as is provided in regulation 26 of these regulations, attained normal retiring age.

*Conditions for payment of long-term and retirement compensation*

12.—(1) Without prejudice to any other requirement of these regulations, nothing in these regulations shall entitle a person to long-term or retirement compensation unless—

- (a) he has suffered loss of employment or loss or diminution of emoluments attributable to any such order as is mentioned in regulation 4 of these regulations or to anything done in pursuance of any such order, not later than ten years after the material date ;

- (b) he has made his claim for compensation in accordance with the provisions for making claims set out in Part VII of these regulations not later than two years after the loss or diminution which is the cause of the claim ; and
- (c) if the cause of the claim for compensation is loss of employment—
- (i) his employment was terminated for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform ; and
  - (ii) he has not been offered any reasonably comparable employment under the Crown or in the service of a river board, a drainage authority or a local authority.

(2) Regulation 6(2) and (3) of these regulations as to offers of employment shall apply for the purposes of this regulation.

(3) Claims for long-term and retirement compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these regulations shall apply to all such claims accordingly.

*Factors to be considered in determining payment of long-term and retirement compensation*

13.—(1) For the purpose of determining whether long-term or retirement compensation for loss or diminution of emoluments should be paid to a claimant, and if so the amount of the compensation (subject to the limits set out in these regulations) regard shall be had to such of the following factors as may be relevant, that is to say :—

- (a) the conditions upon which the claimant held the employment which he has lost, including in particular its security of tenure, whether by law or by practice ;
- (b) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the claimant in place of the employment he has lost ;
- (c) the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him ;
- (d) the amount of any compensation recovered by him under or by virtue of the provisions of any enactment relating to the reinstatement in civil employment of persons who have been in the service of the Crown, or payable to him otherwise than under these regulations in respect of the loss or diminution, whether by reason of any service agreement or contract or otherwise howsoever ;
- (e) the amount of any benefit to which he is immediately entitled by virtue of any pension scheme associated with the employment which he has lost ; and
- (f) all the other circumstances of his case.

(2) In ascertaining for the purposes of sub-paragraph (c) of the last foregoing paragraph whether a person has been offered suitable employment, regulation 6(3) of these regulations shall apply as it applies for the purposes of that regulation.

*Amount of long-term compensation payable to an officer for loss of emoluments*

14.—(1) In the case of a person to whom this Part of these regulations applies, long-term compensation for loss of emoluments shall, subject to the provisions of these regulations, be payable until normal retiring age or death, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2), (3) and (4) of this regulation.

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

(a) for every year of the claimant's reckonable service, one sixtieth of the net emoluments he has lost ; and

(b) in the case of a claimant who has attained the age of forty years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) of this regulation appropriate to his age at that date:

Provided that the said maximum annual sum shall in no case exceed two thirds of the net emoluments which the claimant has lost.

(3) The sum referred to in sub-paragraph (b) of the last foregoing paragraph shall be—

(a) in the case of a claimant who has attained the age of forty years but has not attained the age of fifty years at the date of the loss, the following fraction of the net emoluments he has lost—

(i) where the claimant's reckonable service is less than ten years, one sixtieth for each year of such service after attaining the age of forty years ; or

(ii) where the claimant's reckonable service amounts to ten years but is less than fifteen years, one sixtieth for each year of such service after attaining the age of forty years and one additional sixtieth ; or

(iii) where the claimant's reckonable service amounts to fifteen years but is less than twenty years, one sixtieth for each year of such service after attaining the age of forty years and two additional sixtieths ; or

(iv) where the claimant's reckonable service amounts to twenty years or more, one sixtieth for each year of such service after attaining the age of forty years and three additional sixtieths ;

but the sum so calculated shall not in any case exceed one sixth of the said net emoluments ;

(b) in the case of a claimant who has attained the age of fifty years but has not attained the age of sixty years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of forty years, up to a maximum of fifteen such years ; and

(c) in the case of a claimant who has attained the age of sixty years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of forty-five years.

(4) Where a person has become entitled to a superannuation benefit by way of annual amounts under a pension scheme associated with the employment which he has lost, the maximum annual sum referred to in paragraph (1)

of this regulation shall be the maximum sum calculated under paragraph (2) of this regulation as if the superannuation benefit had not been payable, less the amount of the benefit itself.

(5) Where a sum is payable under this regulation in respect of any period and resettlement compensation has also been paid in respect of that period, the said sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation paid as aforesaid.

(6) Compensation awarded under this regulation shall be payable at intervals equivalent to those at which the emoluments of his employment were previously paid or at such intervals as may be agreed between the claimant and the compensating authority.

*Long-term compensation for diminution of emoluments*

15. In the case of a person to whom this Part of these regulations applies long-term compensation for diminution of emoluments in respect of any employment shall be awarded and paid in accordance with the following provisions—

- (a) the compensation shall consist of an annual sum which shall be payable at intervals equivalent to those at which the emoluments of the claimant's employment are or were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority, and shall, subject to the provisions of these regulations, be payable until normal retiring age or death, whichever first occurs; and
- (b) the said annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under the last foregoing regulation had the claim been made under that regulation the same ratio as the amount by which his net emoluments have been diminished (calculated as an annual amount) bears to the amount of his net emoluments, so however, that no compensation shall be payable if this ratio is less than 2½ per cent.

*Date from which long-term compensation is to be payable*

16.—(1) Long-term compensation shall commence to be payable with effect from the date of the claim or from such earlier date as is mentioned in the succeeding provisions of this regulation.

(2) Where a claim for long-term compensation is made within thirteen weeks of the date on which occurred the loss or diminution that is the subject of the claim, the compensation shall be payable with effect from that date.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in the last foregoing paragraph, the award may at the discretion of the compensating authority provide that the compensation shall be payable with effect from a date not earlier than thirteen weeks prior to the date on which the claim was made:

Provided that, if the compensating authority are satisfied that the failure to make the claim within the period mentioned in the last foregoing paragraph was due to ill-health or other circumstances beyond the claimant's control, the award may provide that the compensation shall be payable with effect from a date not earlier than that on which the loss or diminution occurred.

## PART V

## RETIREMENT COMPENSATION AND PAYMENTS ON DEATH

*Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age*

17.—(1) Where a pensionable officer to whom this Part of these regulations applies, before attaining what would have been his normal retiring age—

(a) becomes incapacitated in circumstances in which, if he had continued in the employment he has lost, he would have become entitled to a pension under the pension scheme to which he was subject in that employment ; or

(b) attains the age which, if he had continued to serve in the employment he has lost, would have been his minimum pensionable age,

he shall be entitled on the happening of either event to claim in lieu of any compensation to which he would otherwise be entitled under these regulations—

(i) in the case mentioned in head (a) of this paragraph, an annual sum equal to the amount of his accrued incapacity pension and a lump sum equal to the amount of his accrued incapacity retiring allowance (if any) ; and

(ii) in the case mentioned in head (b) of this paragraph, an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any) :

Provided that—

(i) if in calculating the amount of compensation payable to a person who has made such claim as aforesaid, the compensating authority, by virtue of regulation 22(2) of these regulations, have credited him with additional years of service or an additional period of contribution, no account shall be taken for the purpose of the foregoing provision of any additional years or period beyond the number of years which he could have served, had he not lost his employment, before the date on which the claim was received by the compensating authority ; and

(ii) if by reason of any provision of the relevant pension scheme for a minimum benefit the amount of any such pension or retiring allowance is in excess of that attributable to the claimant's actual service, no account shall be taken for the purpose of the foregoing provision of any such additional years or period except to the extent (if any) by which they exceed the number of years represented by the difference between the claimant's actual service and the period by reference to which the minimum benefit has been calculated ; and

(iii) if the number of years by reference to which an accrued incapacity pension is to be calculated is less than any minimum number of years of qualifying service prescribed by the relevant pension scheme, the amount of such pension shall, notwithstanding any minimum benefit prescribed by the pension scheme, not exceed such proportion of such minimum benefit as the number of years of pensionable service bears to the minimum number of years of qualifying service.

(2) On receipt of a claim under the last preceding paragraph, the compensating authority shall consider forthwith whether the claimant is a person to whom that paragraph applies, and within thirteen weeks after



the date of the receipt of the claim—

- (a) if they are satisfied that he is not such a person, they shall notify him in writing accordingly ; and
- (b) if they are satisfied that he is such a person, they shall assess the amount of compensation payable to the person, and notify him in writing accordingly,

and any such notification shall, for the purposes of these regulations, be deemed to be a notification by the authority of a decision on a claim to compensation.

(3) If a claimant wishes to receive compensation under this regulation, he shall so inform the compensating authority in writing within one month from the receipt of a notification under the last preceding paragraph or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon ; and the compensation shall be payable as from the date on which the compensating authority received the claim.

(4) A compensating authority may require any such person as is mentioned in paragraph (1)(a) of this regulation, who makes a claim under that paragraph, to submit himself to a medical examination by a registered medical practitioner selected by that authority, and, if they do so, they shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the authority shall take that report into consideration, together with the report of the medical practitioner selected by them.

*Option to take retirement compensation prematurely in certain cases*

18.—(1) If a pensionable officer to whom this Part of these regulations applies has suffered loss of employment after attaining the age of fifty years and so requests the compensating authority by notice in writing, he shall be entitled as from the date on which the compensating authority receive such notice, in lieu of any compensation, other than resettlement compensation, to which he would otherwise be entitled under these regulations, to an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any):

Provided that—

- (i) in calculating the amount of the compensation payable to a person who has given such notice as aforesaid no account shall be taken of any additional years of service or period of contribution credited to the person under regulation 22(2) of these regulations, and
- (ii) where the officer has claimed long-term compensation, the said notice shall be given not later than two years after the determination of the claim.

(2) Regulation 17(2) of these regulations shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that regulation.

(3) Where an annual sum is payable under this regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation payable as aforesaid.

*Retirement compensation for loss of emoluments, payable to pensionable officer on attainment of normal retiring age*

19.—(1) Subject as hereinafter provided, when a pensionable officer to whom this Part of these regulations applies reaches normal retiring age,

the retirement compensation payable to him for loss of emoluments shall be—

- (a) an annual sum equal to the amount of his accrued pension ; and
- (b) a lump sum equal to the amount of his accrued retiring allowance (if any).

(2) Compensation shall not be payable under this regulation to a claimant to whom regulation 17 or 18 of these regulations has been applied.

*Retirement compensation for diminution of emoluments*

20. The provisions of regulations 17 and 19 of these regulations shall apply to a pensionable officer to whom this Part of these regulations applies and who has suffered a diminution of his emoluments, but the sums payable to such an officer in the circumstances mentioned in those regulations shall be sums which bear to the sums which would have been payable thereunder had the claim been in respect of loss of employment the same ratio as the amount by which the claimant's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments :

Provided that no compensation shall be payable if this ratio is less than  $2\frac{1}{2}$  per cent.

*Compensation of claimant who obtains further pensionable employment*

21. Where a pensionable officer, after suffering loss of employment or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which fall to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, no retirement compensation shall be payable unless the annual rate of the emoluments to which he was entitled immediately before such loss or diminution exceeds the annual rate on entry of the emoluments of the new employment by more than  $2\frac{1}{2}$  per cent. of such first mentioned emoluments, and any retirement compensation payable to him shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates :

Provided that this regulation shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the officer had attained normal retiring age immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

*Factors governing the payment of retirement compensation*

22.—(1) An officer entitled to retirement compensation under regulation 17, 18 or 19 of these regulations shall pay to the compensating authority an amount equal to any sum which was paid to him by way of return of superannuation contributions, whether with or without interest, after ceasing to be employed and the compensating authority may at the request of the officer repay that amount to him at any time before he becomes entitled as aforesaid, but if that amount is not paid to the compensating authority, or is repaid by them to the officer, the compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said superannuation contributions.

(2) If the claimant had attained the age of forty years at the date on which he lost his employment or suffered a diminution of his emoluments,

the compensating authority in calculating the amount of the retirement compensation payable to him shall credit him with additional years of service or an additional period of contribution on the following basis, namely—

- (a) two years, whether or not the claimant has completed any years of service after attaining the age of forty years, and
- (b) two years for each of the first four completed years of the claimant's reckonable service between the date when he attained the age of forty years and the date of the loss or diminution, and
- (c) one year for each such year of service after the fourth,

but the additional years of service or period of contribution so credited shall not exceed the shortest of the following periods, namely—

- (i) such number of years as, when added to his pensionable service would amount to the maximum period of such service which would have been reckonable by him had he continued in his employment until attaining normal retiring age, or
- (ii) the number of years of the claimant's reckonable service, or
- (iii) fifteen years ;

and in calculating the amount of any retirement compensation payable to the claimant any period so added shall be aggregated with any years of service or period of contribution entailing reduction of the relevant pension or retiring allowance in connection with the passing of the National Insurance Act 1946(a).

(3) When retirement compensation is awarded or when an award is reviewed under regulation 32 of these regulations the additional compensation payable in consequence of any years of service or period of contribution credited to a claimant under the last foregoing paragraph may be reduced or withheld as the compensating authority may think reasonable having regard to the pension scheme (if any) attaching to any further employment obtained by the claimant.

(4) If under the pension scheme to which the claimant was last subject before suffering loss of employment or diminution of emoluments the amount of any benefit to which he might have become entitled might have been increased at the discretion of the authority administering the pension scheme or of any other body, the compensating authority may increase, to an extent not exceeding that to which his accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance might have been increased or supplemented, the corresponding component of any retirement compensation payable to him ; and in this connection the compensating authority shall have regard to the terms of any relevant resolutions of an authority with regard to the increase of benefits and to the provisions of any enactment protecting the interests of the claimant.

(5) In calculating for the purposes of regulation 17, 18 or 19 of these regulations the amount of the annual sum which is equal to a claimant's accrued pension no account shall be taken of any reduction falling to be made in that pension in connection with the passing of the National Insurance Act 1946 or the National Insurance Act 1959(b) until the claimant reaches the age at which under the pension scheme to which he was subject before losing his employment the pension would have been so reduced.

(6) In paragraph (2) of this regulation the expression "reckonable service" includes any period of employment of which account has been taken or is required to be taken in calculating the amount of any superannuation benefit to which a claimant has become entitled.

*Repayment of contributions on death of a claimant*

23. If an officer to whom this Part of these regulations applies dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the amount of any contributions repaid by him under regulation 22(1) of these regulations, together with compound interest thereon calculated at the rate of 3 per cent. per annum with half-yearly rests up to the date of his death as from the 1st April or the 1st October following the half year in which the amount was paid, there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

*Deduction of outstanding additional contributory payments*

24. There shall be deducted from the retirement compensation payable to any person any additional contributory payments remaining unpaid at the date when he suffered loss of employment; and any such payments not recovered at the date of his death shall be deducted from any compensation payable in respect of the person under the last foregoing regulation.

*Calculation of compensation where superannuation benefit is payable*

25. Where an officer to whom this Part of these regulations applies, has become entitled to any superannuation benefit under a pension scheme associated with the employment which the officer has lost, the retirement compensation payable to the officer, shall be calculated in the first place as if the said superannuation benefit had not been payable but—

- (a) compensation by way of annual amounts shall be reduced by the annual amount of any such superannuation benefit as is payable periodically, and
- (b) compensation payable as a lump sum, shall be reduced by the amount of any such superannuation benefit payable as a lump sum.

*Compensation payable to non-pensionable officer on attainment of normal retiring age*

26.—(1) In the case of an officer who is not a pensionable officer, the compensating authority may, on his attaining normal retiring age, if they are satisfied that he would in the normal course have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) In the case of an officer who is not a pensionable officer and who suffers loss of employment on or after attaining normal retiring age, the compensating authority may, if they are satisfied that he would in the normal course have continued in the employment he has lost for a further substantial period, pay compensation to him for the remainder of his life at half the rate to which he would have been entitled under regulation 14 of these regulations had he not attained normal retiring age at the date on which he lost his employment.

*Persons subject to policy schemes*

27.—(1) The provisions of regulations 17, 18, 19 and 20 of these regulations shall not apply to a person who had been participating in a scheme associated

with his employment for providing superannuation benefits by means of contracts or policies of insurance, and who, after the loss of his employment or the diminution of his emoluments, continued to participate in that scheme, or became entitled to a benefit or prospective benefit thereunder other than a return of contributions.

(2) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who has lost his employment, the compensating authority may, if the relevant scheme so permits, make such payments to him, whether by way of the payment of premiums or otherwise, as are actuarially equivalent to the amounts by which his retirement compensation might have been increased under regulation 22(2) or (4) of these regulations had he been a person to whom regulation 17, 18 or 19 applied.

(3) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who has suffered a diminution of his emoluments, the compensating authority may, if the relevant scheme so permits, make such payments to him, whether by way of the payment of premiums or otherwise, as will secure to the claimant the like benefits as if his emoluments had not been diminished.

(4) If the claimant is such a person as aforesaid and he becomes entitled to a benefit under such a scheme as is mentioned in paragraph (1) of this regulation before reaching normal retiring age, the compensating authority may reduce any long-term compensation payable to him under Part IV of these regulations by the amount of such benefit.

#### *Intervals for payment of compensation under Part V*

**28.** Retirement compensation and other compensation awarded as annual sums under this Part of these regulations shall be payable at intervals equivalent to those at which the corresponding benefit would have been payable under the pension scheme to which the claimant was subject prior to the loss of employment or diminution of emoluments or at such other intervals as may be agreed between the recipient and the compensating authority.

## PART VI

### ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

#### *Adjustment of compensation where superannuation benefit is also payable*

**29.**—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under Part IV or V of these regulations is also taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of the officer in accordance with a pension scheme associated with an employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the compensating authority may adjust the compensation in accordance with this regulation by withholding or reducing the amount of compensation payable in respect of any period for which such superannuation benefit is being received.

(2) If the part of any superannuation benefit by way of annual amounts which is attributable to a period of service mentioned in paragraph (1) of this regulation equals or exceeds the part of any compensation by way of annual amounts which is attributable to the same period, that part of the compensation may be withheld, but if such part of the superannuation benefit is less than such part of the compensation, the compensation may be reduced by an amount not exceeding such part of the superannuation benefit.

(3) In addition to any reduction authorised by the last foregoing paragraph, if, in the circumstances mentioned in paragraph (1) of this regulation, compensation by way of annual amounts is attributable in part to any provision of the relevant pension scheme for a minimum benefit, the compensation may be reduced by an amount not exceeding that part.

(4) Where any additional years of service or period of contribution have been credited to a claimant under regulation 22(2) of these regulations, if the number of such years or such period is equal to or less than the period spent in the subsequent employment mentioned in paragraph (1) of this regulation, the compensation by way of annual amounts may be reduced (in addition to any other reduction authorised by this regulation) by an amount not exceeding that attributable to the additional years or period so credited, or if the number of such years or such period is greater than the period spent in the subsequent employment, by such proportion of that amount as the period spent in the subsequent employment bears to the number of additional years or the period so credited.

(5) Where compensation has been calculated in accordance with regulation 21 of these regulations, the provisions of this regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled on entering the new employment referred to in the said regulation 21.

(6) Where compensation is payable in respect of diminution of emoluments, the provisions of this regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled immediately prior to the diminution.

#### *Reduction of compensation in certain cases*

30. If under the pension scheme to which a person was subject before losing his employment or suffering a diminution of emoluments any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, any retirement compensation to which the person is entitled for loss of employment or diminution of emoluments shall, where such employment is taken up, be reduced or suspended in the like manner and to the like extent.

#### 31. Where—

- (a) a pensionable officer enters any employment referred to in regulation 21 of these regulations, or
- (b) a person entitled to long-term compensation enters employment the remuneration whereof is payable out of public funds, or
- (c) a person entitled to retirement compensation enters employment in which the compensation is subject to reduction or suspension under the last foregoing regulation,

he shall forthwith give notice in writing to the compensating authority that he is so employed and, in the case of any employment mentioned in paragraph (b) or (c) of this regulation, he shall give the like notice of any increase in his remuneration in that employment and of his ceasing to hold that employment.

#### *Review of award of long-term or retirement compensation*

32.—(1) The compensating authority shall, within a period of two years after the date on which any decision on a claim for long-term or retirement compensation for loss of employment (other than compensation payable

under regulation 18 of these regulations) is notified to a claimant under regulation 34 of these regulations, review their decision or, where the claim has been the subject of an appeal, the decision of the tribunal at intervals of not more than six months, and these regulations shall apply in relation to any such review as they apply in relation to the initial determination of the claim; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these regulations.

(2) The claimant may require the compensating authority to carry out the review mentioned in the last foregoing paragraph at any time within the period of two years mentioned in that paragraph if he considers that there has been a change in the circumstances of his case which is material for the purposes of these regulations.

(3) The compensating authority shall carry out a review in accordance with paragraph (1) of this regulation, notwithstanding the expiration of the period mentioned in that paragraph if—

- (a) the emoluments of employment or work undertaken in place of the employment which has been lost had been taken into account in determining the amount of any compensation awarded, and
- (b) such employment or work has been lost or the emoluments thereof reduced, otherwise than by reason of misconduct or incapacity to perform such duties as the claimant might reasonably have been required to perform, and
- (c) the compensating authority is satisfied that such loss or reduction is causing hardship to the claimant,

and where any decision is so reviewed, the decision shall be subject to further review in accordance with paragraph (1) of this regulation as if the review carried out under this paragraph had been the initial determination of the claim.

(4) Paragraphs (1) and (2) of this regulation shall apply in relation to any decision on a claim for long-term or retirement compensation in respect of diminution of emoluments as they apply in respect of any decision mentioned in the said paragraph (1):

Provided that—

- (i) no review shall take place after the date on which the claimant ceases to hold the employment in which his emoluments were diminished, except a review as at that date; and
- (ii) while the claimant continues to hold that employment there shall be no limit to the period within which a review may take place.

(5) Notwithstanding anything contained in the foregoing provisions of this regulation, the compensating authority shall review a decision (whether of the authority or the tribunal) on a claim for long-term compensation for loss of employment or diminution of emoluments after the expiration of any period within which a review is required to be made if at any time—

- (a) the claimant is engaged in employment (hereinafter referred to as his "current employment") the remuneration whereof is payable out of public funds and which he has undertaken in place of the employment he has lost or, as the case may be, the employment in which his emoluments were diminished, and

(b) the aggregate of the net emoluments of his current employment and the long-term compensation payable to him exceed the net emoluments of the employment he has lost or, as the case may be, the amount of his net emoluments prior to their diminution,

and the authority shall thereafter further review such decision whenever the net emoluments of the claimant's current employment are increased; but if on any such review the compensation is reduced, it shall not be reduced below the amount by which the net emoluments of the claimant's current employment fall short of the net emoluments of the employment he has lost or, as the case may be, the amount of his net emoluments prior to their diminution.

(6) The compensating authority shall give to a claimant not less than fourteen days' notice of any review to be carried out under this regulation otherwise than at his request.

(7) Nothing in this regulation shall preclude the making of any adjustment of compensation required by regulation 29 or 30 of these regulations.

#### *Compounding of awards*

33.—(1) In a case where an annual sum which has been or might be awarded under these regulations does not exceed £26, the compensating authority may, at their discretion, compound their liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum, and if any lump sum payment has been or might be awarded in addition to such annual sum under regulation 17, 18, 19 or 20 of these regulations, the compensating authority may likewise discharge their liability in respect thereof by an immediate payment.

(2) In any other case the compensating authority may, if the person who has been awarded long-term or retirement compensation requests them to do so and they, in their discretion, after having regard to the state of health of that person and the other circumstances of the case, deem fit, compound up to one quarter of their liability to make payments under the award by the payment of an equivalent amount as a lump sum or, where any compensation has been awarded as a lump sum, by increasing that compensation to such equivalent amount; and in calculating for this purpose the liability of the authority to make payments, account shall be taken of the annual value of lump sum payments of compensation.

(3) The making of a composition under paragraph (2) of this regulation or in relation to an award of long-term retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) of this regulation in relation to that award, but, subject as aforesaid, not more than one composition may be made in relation to any award.

## PART VII

### PROCEDURE AND MISCELLANEOUS

#### *Procedure on making claims*

34.—(1) Every claim for compensation under these regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with the provisions of this regulation.

(2) Every such claim and request shall be made to the compensating authority in a form approved by the Minister for the purpose and shall state whether any other claim for compensation has been made by the claimant under these regulations.



(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these regulations.

(4) The compensating authority shall consider any such claim or request in accordance with the relevant provisions of these regulations and shall notify the claimant in writing of their decision—

(a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim, and

(b) in the case of a claim for, or request for the review of an award of, compensation under Part IV or Part V of these regulations, not later than thirteen weeks after the receipt of the claim or request, and

(c) in any other case, as soon as may be after the decision.

(5) Every notification of a decision by the compensating authority (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these regulations) shall contain a statement—

(a) giving reasons for the decision ;

(b) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under these regulations, showing the factors taken into account in awarding that amount ; and

(c) directing the attention of the claimant to his right, if he is aggrieved by the decision, to refer the matter to the tribunal, and giving him the address of the office to which the reference should be sent.

#### *Claimants to furnish information*

35.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information and supplementary information as the compensating authority or the tribunal may at any time reasonably require ; and shall verify the same in any such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person as aforesaid shall, on receipt of reasonable notice, present himself for interview at any such place as the compensating authority or the tribunal may reasonably require.

(3) Any person who attends for interview as aforesaid may, if he so desires, be represented by his adviser.

#### *Procedure on death of claimant*

36.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, the claim for compensation under these regulations may be continued or made (as the case may be) by his personal representative.

(2) Where any such claim is continued or made as aforesaid by a personal representative, the personal representative shall, as respects any steps to be taken or thing to be done by him in order to continue or make the claim, be deemed for the purposes of these regulations to be the claimant, but, save as aforesaid, the person in right of whom he continues or makes the claim shall be deemed for all the purposes of these regulations to be the claimant, and the relevant provisions of these regulations shall be construed accordingly :

Provided that the compensating authority may in such case extend the period within which a claim is required to be made by regulation 6 or 12 of these regulations.

### *Calculation of service*

**37.**—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any two or more offices to which in the aggregate, an officer devoted substantially the whole of his time, any previous period of part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these regulations in respect of the reckonable service of an officer all periods of such service shall be aggregated, and if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds six months, be treated as a year, and in any other case be disregarded.

### *Emoluments of part-time employments*

**38.** In ascertaining for the purposes of these regulations whether, and how far, the remuneration of alternative employment falls short of emoluments which have been lost where those emoluments were payable in respect of two or more part-time employments, the remuneration of the alternative employment or of the aggregate of two or more such employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

### *Compensation not assignable*

**39.**—(1) Subject to any statutory provision in that behalf, any compensation to which an officer becomes entitled under these regulations shall be paid by the compensating authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

(2) Any sum payable as compensation to a person by a compensating authority shall be recoverable as a debt due from the authority.

### *Right of appeal from decision of the compensating authority*

**40.**—(1) Every claimant who is aggrieved by any decision of the compensating authority with respect to compensation under these regulations or by any failure on the part of the compensating authority to notify him of any such decision within the appropriate time prescribed by these regulations may within three months of the notification to him of the decision or the expiry of the prescribed time, as the case may be, refer the matter to the tribunal.

(2) Reference of a matter to the tribunal as aforesaid by a claimant shall be made in writing.

(3) On receipt of such a reference, the tribunal shall consider and determine the matter in accordance with the provisions of these regulations and the compensating authority shall give effect to the decision of the tribunal with any modifications that may be required in consequence of any appeal from the decision on a point of law.

(4) On any such reference the tribunal may if it thinks fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with the tribunal as an assessor.

### *Application of payments*

**41.** Any sums paid to a compensating authority under regulation 22(1) of these regulations in respect of returned contributions shall, except in so far as they are repaid to the officers concerned, be applied for the

payment of compensation which the authority are liable to pay under Part V of these regulations.

In Witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th November 1964.

(L.S.)

*Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

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### EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

1. These regulations made under section 18(6) of the Land Drainage Act 1961 provide for the payment of compensation to river board employees who suffer loss of employment or loss or diminution of emoluments which is attributable to an order made under sub-section (2) of that section (or to anything done in pursuance of such an order) being an order providing for the constitution of an internal drainage board for an internal drainage district of which a river board were formerly the drainage board.

2. Part I of the regulations contains definitions. Part II specifies the persons to whom the regulations apply and the grounds of entitlement to compensation. The regulations apply to persons employed whole-time or part-time by river boards.

3. The compensation payable is—

- (a) resettlement compensation for loss of employment (Part III of the regulations);
- (b) long-term compensation for loss of employment or loss or diminution of emoluments (Part IV);
- (c) retirement compensation for loss of employment or loss or diminution of emoluments (Part V).

4. Resettlement compensation is payable for a period not exceeding 26 weeks to officers with at least 3 years' service in river board and other relevant employments. The qualifying conditions and factors to be considered are set out in regulations 6, 8, 9 and 10. The method of calculating the amount of compensation is contained in regulation 7.

5. Long-term and retirement compensation are payable to officers with at least 8 years' service in local government and other relevant employments. The qualifying and other conditions are set out in regulations 11 to 13.

6. The method of calculating the maximum amount of long-term compensation is laid down in regulations 14 (loss of employment) and 15 (diminution of emoluments). It is a proportion, not exceeding two thirds, of the net emoluments lost or of the amount by which emoluments have been diminished, as the case may be. This compensation is payable from a date determined under regulation 16 and can be payable up to normal retiring age.

7. Retirement compensation for loss of employment payable to a pensionable officer is based upon his accrued pension rights (regulation 19) supplemented in the case of persons aged 40 or over at the date of loss by the addition of notional years of service (regulation 22). Retirement compensation for diminution of emoluments is an appropriate proportion of that for loss of employment (regulation 20). In the case of a non-pensionable officer compensation not exceeding one half of the rate of long-term compensation may be paid (regulation 26) and special provision is made for any persons whose pension arrangements are by way of policies of insurance (regulation 27). Retirement compensation is ordinarily payable from normal retiring age but in certain circumstances may be put into payment earlier (regulations 17 and 18).

8. Part VI of the regulations provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changes in circumstances (regulation 32). It also contains provisions for the adjustment, suspension and compounding of compensation in certain circumstances.

9. Part VII contains provisions relating to the procedure for making claims and notifying decisions and to appeals by claimants who are aggrieved by a decision or the failure of a compensating authority to notify their decision. Appeals lie to a tribunal appointed by the Minister of Labour.

1964 No. 1893

## LEGAL AID AND ADVICE, ENGLAND

## The Legal Aid (General) (Amendment) Regulations 1964

Made - - - - 28th October 1964  
 Laid before Parliament 4th November 1964  
 Coming into Operation 1st January 1965

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by sections 1 and 12 of the Legal Aid and Advice Act 1949(a), hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations 1964, and shall come into operation on 1st January 1965.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations, a regulation referred to by number means the regulation so numbered in the Legal Aid (General) Regulations 1962(c) as amended(d).

2. The following new Regulation shall be inserted after Regulation 1:—

“1A. The proceedings in connection with which legal aid may be given shall include the following proceedings:—

(a) proceedings in a magistrates' court or a court of quarter sessions under sections 62, 63, 65, 66, 84, 85(1) and 102(1)(a) and (b) of the Children and Young Persons Act 1933(e), section 40 of the Education Act 1944(f) and section 33 of the Children and Young Persons Act 1963(g); and

(b) proceedings in a magistrates' court under section 3 of the said Act of 1963.”

3. The following sub-paragraph shall be inserted in Regulation 1(3) after the definition of “authorised summary proceedings” and in Regulation 24(1) after sub-paragraph (c):—

“(d) proceedings for which legal aid is authorised by Regulation 1A.”

Dated 28th October 1964.

Gardiner, C.

## EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

With effect from 1st January 1965, these Regulations authorise the grant of legal aid in cases in which a child or young person is brought before a court as being in need of care, protection or control. They also make consequential amendments to the Legal Aid (General) Regulations 1962.

(a) 12, 13 & 14 Geo. 6. c. 51. (b) 52 & 53 Vict. c. 63. (c) S.I. 1962/148 (1962 I, p. 117).

(d) The amending Regulations are not relevant to the subject matter of these Regulations.

(e) 23 & 24 Geo. 5. c. 12.

(f) 7 & 8 Geo. 6. c. 31.

(g) 1963 c. 37.

1964 No. 1894

**POLICE**

**The Police (Amendment) (No. 4) Regulations 1964**

*Made - - - - 27th November 1964*  
*Coming into Operation 14th December 1964*

I, the Right Honourable Sir Frank Soskice, Q.C., M.P., one of Her Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by section 4 of the Police Act 1919(a) and section 1 of the Police, Fire and Probation Officers Remuneration Act 1956(b), hereby make the following Regulations:—

1. For Regulation 23(1) of the principal Regulations (which relates to scales of pay) there shall be substituted the following provisions:—

“ 23.—(1) Subject to the next following paragraph, on and after 1st September 1964 the rate of pay of a member of a police force holding—

(a) the rank of chief inspector or inspector, other than in the City of London police force or the metropolitan police force, station sergeant, sergeant or constable shall be in accordance with the scale of pay for his rank set out in Part I or, in the case of a woman, Part II of Schedule 1 hereto ;

(b) any other rank shall be in accordance with such scale of pay as shall be determined by the Secretary of State.

(1A) On and after 1st December 1964 the rate of pay of a member of a police force holding the rank of constable who has attained the age of 22 years and whose period of service in that rank, reckonable for the purposes of his scale of pay—

(a) begins on or after that date and after he has attained that age ; or

(b) includes 30th November 1964,

shall be in accordance with whichever of the scales of pay set out in Parts I and III or, in the case of a woman, Parts II and IV of Schedule 1 hereto is, for the time being, the more favourable in his case.”.

2. In Regulation 35(3) of the principal Regulations (which provides that a person paid a detective allowance thereunder shall be treated for the purposes of those Regulations, except specified provisions thereof, as if he were paid a detective duty allowance) for the words “ and paragraph (2) of this Regulation ” there shall be substituted the words “ paragraph (2) of this Regulation and Regulation 35A ”.

3. After Regulation 35 of the principal Regulations (which relates to detective duty and detective expenses allowances) there shall be inserted the following Regulation:—

*“ Supplementary detective allowances*

35A.—(1) A member of a police force to whom a detective duty allowance is payable in respect of any period falling within the quarter beginning with 1st September 1964 or any subsequent quarter shall be paid a supplementary detective allowance, in accordance with Schedule 6 hereto, if the average qualifying overtime referred to in the next following paragraph, performed during the preceding quarter, is 8 hours a week or more.

(2) The qualifying overtime referred to in the preceding paragraph is, in the case of a constable, sergeant or inspector, overtime (within the meaning of, and computed in accordance with, Regulation 17 of these Regulations) in respect of which an allowance is not payable under paragraph (3C) of that Regulation, performed by members of the force of the rank of constable, sergeant or, as the case may be, inspector to whom a detective duty allowance is payable in respect of the period during which the overtime is performed; and the weekly average of such qualifying overtime shall be determined for the purposes of the preceding paragraph by reference to the average overtime performed each day by such members on duty on that day.

(3) Paragraph (1) of this Regulation shall have effect—

(a) as respects the quarter beginning with 1st September 1964, as if any reference therein to the preceding quarter were a reference to the period of 4 weeks beginning with that date;

(b) as respects the quarter in which a new police force is established, as if, in relation to a member of that force, any reference therein to the preceding quarter were a reference to the quarter in which the force is established.

(4) This Regulation shall have effect, where a member of a police force is assigned to duty with a regional crime squad or other body established in pursuance of a collaboration agreement made under section 13 of the Police Act 1964(a), as if so long as he is assigned to such a duty he were not a member of the police force in question, but in such case this Regulation shall apply as if a reference therein to a police force or member thereof were a reference to the regional crime squad or other body in question or a member assigned to duties therewith.

(5) In this Regulation the expression ‘quarter’ means a period of 13 weeks.

(6) This Regulation shall cease to have effect on the expiration of the month of December 1966.”

4. For Schedule 1 to the principal Regulations (which prescribes scales of pay) there shall be substituted the following Schedule :—

## " SCHEDULE 1

Regulation 23

## PART I

*General scales of pay for men on and after 1st September 1964*

	Chief Inspector other than in the City of London or Metropolitan Police Force	Inspector other than in the City of London or Metropolitan Police Force	Station Sergeant	Sergeant	Constable
On appointment as constable or on promotion, as the case may be	£1,540 a year	£1,375 a year	£1,300 a year	£1,170 a year	£700 a year
After 1 year of service in the rank	£1,590 a year	£1,420 a year	£1,300 a year	£1,210 a year	£730 a year
After 2 years of service in the rank	£1,645 a year	£1,470 a year	£1,345 a year	£1,255 a year	£800 a year
After 3 years of service in the rank	"	"	"	"	£830 a year
After 4 years of service in the rank	"	"	"	"	£865 a year
After 5 years of service in the rank	"	"	"	"	£900 a year
After 6 years of service in the rank	"	"	"	"	£935 a year
After 7 years of service in the rank	"	"	"	"	£970 a year
After 8 years of service in the rank	"	"	"	"	£1,005 a year
After 9 years of service in the rank	"	"	"	"	£1,040 a year

In addition a constable shall be paid a supplementary payment of £30 a year on the completion of 17 years' service and a second supplementary payment of £35 a year on the completion of 22 years' service ; and Regulation 23(2) of these Regulations shall apply for the purpose of calculating such service as aforesaid.



## PART II

*General scales of pay for women on and after 1st September 1964*

	Chief Inspector other than in the City of London or Metro- politan Police Force	Inspector other than in the City of London or Metro- politan Police Force	Sergeant	Constable
On appointment as constable or on promotion, as the case may be	£1,385 a year	£1,240 a year	£1,055 a year	£630 a year
After 1 year of service in the rank	£1,430 a year	£1,280 a year	£1,090 a year	£655 a year
After 2 years of service in the rank	£1,480 a year	£1,325 a year	£1,130 a year	£720 a year
After 3 years of service in the rank	"	"	"	£745 a year
After 4 years of service in the rank	"	"	"	£780 a year
After 5 years of service in the rank	"	"	"	£810 a year
After 6 years of service in the rank	"	"	"	£840 a year
After 7 years of service in the rank	"	"	"	£875 a year
After 8 years of service in the rank	"	"	"	£905 a year
After 9 years of service in the rank	"	"	"	£935 a year

In addition a constable shall be paid a supplementary payment of £30 a year on the completion of 17 years' service and a second supplementary payment of £30 a year on the completion of 22 years' service; and Regulation 23(2) of these Regulations shall apply for the purpose of calculating such service as aforesaid.

## PART III

*Special scale of pay for certain men holding rank of constable on and after 1st December 1964*

On appointment as constable ... ..	£800 a year
After 1 year of service in that rank ...	£800 a year
After 2 years of service in that rank ...	£830 a year

## PART IV

*Special scale of pay for certain women holding rank of constable  
on and after 1st December 1964*

On appointment as constable ... ..	£720 a year
After 1 year of service in that rank ...	£720 a year
After 2 years of service in that rank ...	£745 a year "

5. For Schedule 6 to the principal Regulations (which prescribes the rates at which detective duty allowance is payable) there shall be substituted the following Schedule:—

## "SCHEDULE 6 Regulations 35 and 35A

## DETECTIVE DUTY AND SUPPLEMENTARY DETECTIVE ALLOWANCES

A detective duty allowance payable under Regulation 35(1) or a supplementary detective allowance payable under Regulation 35A of these Regulations to a member of a police force, on and after 1st September 1964, shall be paid at the annual rate set opposite the rank he holds in the following Table—

- (a) in the case of a detective duty allowance, in the second column or, where the member is a woman, in the third column thereof ;  
 (b) in the case of a supplementary detective allowance, in the fourth column or, where the member is a woman, in the fifth column thereof :

Provided that such an allowance payable to a first class sergeant (C.I.D.), inspector or chief inspector in the City of London police force or metropolitan police force shall be paid at such rate as shall be determined by the Secretary of State:—

TABLE

	Annual Rate of Detective Duty Allowance		Annual Rate of Supplementary Detective Allowance	
	Men	Women	Men	Women
Constable ... ..	£ 86	£ 77	£ 70	£ 65
Sergeant ... ..	115	104	95	85
Inspector ... ..	135	122	110	100
Chief Inspector ... ..	152	136	125	110 "

6. In these Regulations any reference to the principal Regulations is a reference to the Police Regulations 1952(a), as amended(b).

7.—(1) These Regulations may be cited as the Police (Amendment) (No. 4) Regulations 1964.

(2) These Regulations shall come into operation on 14th December 1964 and shall take effect as from 1st September 1964.

*Frank Soskice,*

One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

27th November 1964.

(a) S.I. 1952/1704 (1952 II, p. 2480).

(b) The relevant amending instruments are S.I. 1962/2738, 1964/133 (1962 III, p. 3709; 1964 I, p. 246).

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the Police Regulations 1952 with effect from 1st September 1964.

Regulations 1 and 4 provide for increased scales of pay for inspectors, sergeants and constables including a special scale of pay for constables appointed after 30th November 1964 at the age of 22 years or over (the special scale also applies to constables serving on that date if or when they have attained that age).

Regulations 3 and 5 provide for increased rates of detective duty allowance (payable to inspectors, sergeants and constables engaged on outside detective duties) and for the payment of a supplementary detective allowance where the prescribed average overtime duty performed is 8 hours a week or more. Regulation 2 is consequential on Regulation 3.

1964 No. 1896

**FACTORIES**
**The Baking and Sausage Making (Christmas and New Year)  
Order 1964**

*Made* - - - - 30th November 1964  
*Coming into Operation* 10th December 1964

The Minister of Labour by virtue of the powers conferred on him by section 117 of the Factories Act 1961(a) and of all other powers enabling him in that behalf, hereby makes the following special exemption order :—

1. This Order may be cited as the Baking and Sausage Making (Christmas and New Year) Order 1964 and shall come into operation on 10th December 1964.

2.—(1) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) In this Order “women” means women who have attained the age of eighteen.

3. The employment of women in England and Wales—

(a) on Saturdays, 19th and 26th December 1964, and on Sundays, 20th and 27th December 1964, in the manufacture of meat pies, sausages or cooked meats, or in the pre-packing of bacon; and

(b) on Saturday, 19th December 1964, and on Sundays, 13th and 20th December 1964, in the manufacture of bread or flour confectionery (including fruit pies but not biscuits),

or in work incidental or ancillary to such work, is hereby exempted from the provisions of section 86(b) of the Factories Act 1961 (so far as that paragraph prohibits the employment of women after one o'clock in the afternoon on Saturday) and from the provisions of section 93 of that Act (which relates to the prohibition of Sunday employment).

4. The employment of women in Scotland—

(a) on Sundays, 27th December 1964 and 3rd January 1965, in the manufacture of meat pies, sausages or cooked meats, or in the pre-packing of bacon; and

(b) on Sunday, 27th December 1964, in the manufacture of bread or flour confectionery (including fruit pies but not biscuits),

or in work incidental or ancillary to such work, is hereby exempted from the provisions of the said section 86(b) (so far as that paragraph prohibits the employment of women after one o'clock in the afternoon on Saturday) and from the provisions of the said section 93.

Dated 30th November 1964.

*R. J. Gunter,*  
 Minister of Labour.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order enables women who have attained the age of eighteen to be employed in England and Wales on the afternoons of Saturdays, 19th and 26th December 1964, and on Sundays, 20th and 27th December 1964, in the manufacture of meat pies, sausages, or cooked meats, or in the pre-packing of bacon, and on Saturday, 19th December 1964, and on Sundays, 13th and 20th December 1964, in the manufacture of bread or flour confectionery (including fruit pies but not biscuits).

The Order also enables women who have attained the age of eighteen to be employed in Scotland on Sundays, 27th December 1964 and 3rd January 1965, in the manufacture of meat pies, sausages, or cooked meats, or in the pre-packing of bacon, and on Sunday, 27th December 1964, in the manufacture of bread or flour confectionery (including fruit pies but not biscuits).

1964 No. 1897

**WAGES COUNCILS**
**The Wages Regulation (Aerated Waters) (Scotland)  
 (No. 2) Order 1964**

*Made* - - - - 30th November 1964

*Coming into Operation* 18th December 1964

Whereas the Minister of Labour (hereafter in this Order referred to as "the Minister") has received from the Aerated Waters Wages Council (Scotland) the wages regulation proposals set out in the Schedule hereto ;

Now, therefore, the Minister, by virtue of the powers conferred on him by section 11 of the Wages Councils Act 1959(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1. This Order may be cited as the Wages Regulation (Aerated Waters) (Scotland) (No. 2) Order 1964.

2.—(1) In this Order the expression "the specified date" means the 18th December 1964, provided that where, as respects any worker who is paid wages at intervals not exceeding seven days, that date does not correspond with the beginning of the period for which the wages are paid, the expression "the specified date" means, as respects that worker, the beginning of the next such period following that date.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament and as if this Order and the Order hereby revoked were Acts of Parliament.

3. The wages regulation proposals set out in the Schedule hereto shall have effect as from the specified date and as from that date the Wages Regulation (Aerated Waters) (Scotland) Order 1964(c), shall cease to have effect.

Dated 30th November 1964.

*R. J. Gunter,*  
 Minister of Labour.

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(a) 7 & 8 Eliz. 2. c. 69.

(b) 52 & 53 Vict. c. 63.

(c) S.I. 1964/420 (1964 I, p. 698).

## SCHEDULE

The following minimum remuneration shall be substituted for the statutory minimum remuneration fixed by the Wages Regulation (Aerated Waters) (Scotland) Order 1964(a) (Order A.S. (56)).

## STATUTORY MINIMUM REMUNERATION

## PART I

## GENERAL

1. The minimum remuneration payable to a worker to whom this Schedule applies for all work except work to which a minimum overtime rate applies under Part III, is—
  - (1) in the case of a time worker, the hourly general minimum time rate payable to the worker under Part II of this Schedule ;
  - (2) in the case of a worker employed on piece work, piece rates each of which would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the hourly general minimum time rate which would be payable to the worker under Part II of this Schedule if he were a time worker.

## PART II

## GENERAL MINIMUM TIME RATES

## ALL WORKERS EXCEPT WORKERS IN THE ORKNEY OR SHETLAND ISLANDS

2. The general minimum time rates payable to all workers except workers in the Orkney or Shetland Islands are as follows:—

	Per hour	Per week of 43 hours
	s. d.	s. d.
(1) Male workers aged:—		
21 years or over ... ..	4 0½	173 9½
20 and under 21 years ... ..	3 3	139 9
19 " " 20 " " ... ..	2 11½	127 2½
18 " " 19 " " ... ..	2 7	111 1
17 " " 18 " " ... ..	2 2½	94 1
16 " " 17 " " ... ..	1 10½	79 9
Under 16 years ... ..	1 5½	63 7½
(2) Female workers aged:—		
19 years or over ... ..	2 10½	124 6½
18 and under 19 years ... ..	2 5½	104 10
17 " " 18 " " ... ..	2 1½	90 6
16 " " 17 " " ... ..	1 9	75 3
Under 16 years ... ..	1 5½	61 10

## WORKERS IN THE ORKNEY OR SHETLAND ISLANDS

3. The general minimum time rates payable to male or female workers in the Orkney or Shetland Islands are, in each case, 1d. per hour less than the general minimum time rates specified in paragraph 2.

### PART III

#### OVERTIME AND WAITING TIME

##### MINIMUM OVERTIME RATES

- 4.—(1) Minimum overtime rates are payable to a worker to whom this Schedule applies as follows:—

(a) on a Sunday or a customary holiday, for all time worked ... .. double time

(b) in any week, exclusive of any time in respect of which an overtime rate is payable under the provisions of (a) of this sub-paragraph, for all time worked in excess of 43 hours ... .. time-and-a-half

- (2) In this Part of this Schedule—

(a) the expressions “time-and-a-half” and “double time” mean respectively:—

(i) in the case of a time worker, one and a half times and twice the hourly general minimum time rate otherwise payable to the worker ;

(ii) in the case of a worker employed on piece work, one and a half times and twice the piece rates otherwise payable to the worker under paragraph 1(2) ;

(b) the expression “customary holiday” means—

(i) New Year’s Day (or, if New Year’s Day falls on a Sunday, the following Monday) ; the local Spring holiday ; the local Autumn holiday ; and three other days (being days on which the worker would normally work) in the course of a calendar year to be fixed by the employer and notified to the worker not less than three weeks before the holiday ; or

(ii) in the case of each of the said days (other than a day fixed by the employer and notified to the worker as aforesaid) a day substituted by the employer therefor, being a day recognised by local custom as a day of holiday in substitution for the said day.

##### WAITING TIME

- 5.—(1) A worker is entitled to payment of the minimum remuneration specified in this Schedule for all time during which he is present on the premises of his employer unless he is present thereon in any of the following circumstances:—

(a) without the employer’s consent, express or implied ;

(b) for some purpose unconnected with his work and other than that of waiting for work to be given to him to perform ;

(c) by reason only of the fact that he is resident thereon ;

(d) during normal meal times in a room or place in which no work is being done, and he is not waiting for work to be given to him to perform.

- (2) The minimum remuneration payable under sub-paragraph (1) of this paragraph to a piece worker when not engaged on piece work is that which would be applicable if he were a time worker.



## PART IV

## APPLICABILITY OF STATUTORY MINIMUM REMUNERATION

6. This Schedule applies to workers in relation to whom the Aerated Waters Wages Council (Scotland) operates, that is to say, workers employed in Scotland in the trade specified in the Schedule to the Trade Boards (Aerated Waters Trade, Scotland) (Constitution and Proceedings) Regulations 1939(a), namely:—

The manufacture, wherever carried on, of mineral or aerated waters, non-alcoholic cordials, flavoured syrups, unfermented sweet drinks, and other similar beverages, and the manufacture in unlicensed premises of brewed liquors,

including:—

(a) the operations of bottle washing, bottling and filling, and all other operations preparatory to the sale of any of the aforesaid liquors in bottles, jars, syphons, casks, or other similar receptacles ; and including also:—

(b) the operations of bottle washing, bottling and filling, and all subsidiary operations preparatory to the sale in bottles, jars or other similar receptacles of cider, ale, stout, porter and other alcoholic beers, where all or any of such last-mentioned operations are, or is, conducted or carried on in association with or in conjunction with all or any of the operations specified under (a) above so as to form a common or interchangeable form of employment for workers, and whether the two sets of operations or any of them are, or is, carried on simultaneously or not.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order, which has effect from 18th December 1964, sets out the statutory minimum remuneration payable in substitution for that fixed by the Wages Regulation (Aerated Waters) (Scotland) Order 1964 (Order A.S. (56)), which is revoked.

New provisions are printed in italics.

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(a) S.R. & O. 1939/1367 (1939 II, p. 3178).

1964 No. 1898

INDIA

**The Indian Civil Service Family Pension Fund  
(Amendment) Rules 1964**
*Made . . . . . 24th November 1964*

I, Arthur George Bottomley, one of Her Majesty's Principal Secretaries of State, in exercise of the powers conferred on me by sub-section (1) of Section 273 of the Government of India Act 1935(a) and paragraph 14(1) of the Government of India (Family Pension Funds) Order 1936(b) hereby make the following rules:—

1. The Indian Civil Service Family Pension Fund Rules(c) as amended(d) are hereby further amended as follows:—

(1) For sub-rule (2) of Rule 26A the following shall be substituted:—

“(2) With effect from 16th November 1964, the amount of any supplementary pension contingent liability for which was accepted before 1st April 1960 shall be subject to a temporary increase of 12½ per cent.”

(2) After sub-rule (2) of Rule 26A there shall be inserted the following sub-rule:—

“(3) With effect from 16th November 1964, the amount of any supplementary pension contingent liability for which was accepted on or after 1st April 1960 and before 1st April 1964 shall be subject to a temporary increase of 7½ per cent.”

(3) For sub-rule (4) of Rule 26C the following shall be substituted:—

“(4) With effect from 16th November 1964, the amount of any pension secured under sub-rule (1) of this Rule, contingent liability for which was accepted before 1st April 1960, shall be subject to a temporary increase of 12½ per cent.”

(4) After sub-rule (4) of Rule 26C there shall be inserted the following sub-rule:—

“(5) With effect from 16th November 1964, the amount of any pension secured under sub-rule (1) of this Rule, contingent liability for which was accepted on or after 1st April 1960 and before 1st April 1964 shall be subject to a temporary increase of 7½ per cent.”

(5) The Schedule to these Rules shall be substituted for Schedule 7 to the said Rules.

2. These Rules may be cited as the Indian Civil Service Family Pension Fund (Amendment) Rules 1964.

Given under my hand 24th November 1964.

*Arthur Bottomley,*  
One of Her Majesty's Principal  
Secretaries of State.

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(a) 26 Geo. 5 & 1 Edw. 8. c. 2. (b) S.R. & O. 1936/1310 (Rev. X, p. 624: 1936 I, p. 1385).  
(c) S.R. & O. 1937/1217 (Rev. X, p. 715: 1937 p. 1342).  
(d) The Relevant amending instruments are S.I. 1952/889, 1957/1775, 1959/1331 and 1960/2409 (1952 I, p. 1225; 1957 I, p. 1162; 1959 I, p. 1457; 1960 II, p. 1711).

## SCHEDULE

## SEVENTH SCHEDULE (RULES 19, 23A AND 26)

A. Pensions to dependants of subscribers who were alive on 31st March 1937 including entrants after 31st March 1937.

(1) Annual pension with effect from 16th November 1964, payable to a widow during widowhood.

Classification of subscriber*			Class of subscriber at death	
Class as at 31st March 1937	Active or Retired as at 31st March 1937	Date of birth or of entry into Service	I, II and III	IV and V
—	—	Entrants to Fund on or after 1st April 1937	£ 500	£ s. d. 416 13 4
V ... ..	Active	Entrants on or after 1st April 1933 ...	500	416 13 4
V ... ..	Active	Entrants prior to 1st April 1933 ... ..	505	420 16 8
IV ... ..	Active	—	505	420 16 8
III ... ..	Active	—	510	—
II ... ..	Active	—	510	—
I ... ..	Active } Retired }	Born after 31st March 1887 ... ..	515	429 3 4
I ... ..	Active } Retired }	Born after 31st March 1877 and before 1st April 1887	520	433 6 8
I ... ..	Active } Retired }	Born after 31st March 1872 and before 1st April 1877	525	437 10 0
I ... ..	Active } Retired }	Born after 31st March 1867 and before 1st April 1872	530	441 13 4
I ... ..	Active } Retired }	Born after 31st March 1862 and before 1st April 1867	535	445 16 8
I ... ..	Active } Retired }	Born before 1st April 1862 ... ..	540	450 0 0

Of the above pensions the following amounts are payable by Government:—

Class II £60; Class III £120; Class IV £110; Class V £150.

Of the portion of the above pensions met from the Fund, the under-mentioned amounts are granted temporarily, and the pensions are therefore liable to reduction by amounts not exceeding the following. viz. :—

Classes I, II and III £105; Classes IV and V £87 10s. 0d.

(2) Annual pension with effect from 16th November 1964, payable to a fatherless child whose mother is living.

Classification of subscriber*			Orphans aged:—						
Class as at 31st March 1937	Active or Retired as at 31st March 1937	Date of birth or of entry into Service	0-6 Years	6-12 Years	12 years and over				
—	—	Entrants to Fund on or after 1st April 1937	£ s. d. 41 13 4	£ s. d. 83 6 8	£ s. d. 166 13 4				
IV and V ...	Active	—	41 13 4	83 6 8	166 13 4				
II and III... I ... All... ..	Active Active Retired	Born after 31st March 1877	42 18 4	85 16 8	171 13 4				
I ... All... ..	Active Retired					Born before 1st April 1877	44 3 4	88 6 8	176 13 4

\* Subscribers who retired on or before 31st March 1937 under the Premature Retirement Rules are to be treated as retired subscribers except those born after 31st March 1895 who are to be treated as active subscribers in the class they would have attained had they remained in the Service until 31st March 1937.

Of the above pensions the following amounts are payable by Government:—

Age 0-6 years, £6 5s. 0d. ; age 6-12 years, £12 10s. 0d. ; age 12 years and over, £25. Pensions payable to sons over the age of 24 years under the proviso to Rule 19(1) will however be met wholly from the Fund.

Of the portion of the above pensions met from the Fund, the undermentioned amounts are granted temporarily, and the pensions are therefore liable to reduction by amounts not exceeding the following, viz.:—

Age 0-6 years, £8 15s. 0d. ; age 6-12 years, £17 10s. 0d. ; age 12 years and over, £35.

(3) The annual pension with effect from 16th November 1964, payable to an orphan of any age who has lost both parents will be as shown in the last column of table (2) above. Of these pensions the following amounts are payable by Government:—

Age 0-6 years, £81 5s. 0d. ; age 6-12 years, £62 10s. 0d. ; age 12 years and over, £25.

Of the portion of these pensions met from the Fund, the amount of £35 is granted temporarily, and the pensions are therefore liable to reduction not exceeding that amount.

An orphan under 12 years of age who is in receipt of pension on the date of the mother's death shall be entitled to the appropriate enhanced pension with effect from the following day.

**B. Pensions to dependants in receipt of pension on 31st March 1937.**

(1) Annual pension with effect from 16th November 1964, payable to a widow during widowhood :—

Widow born	Class of subscriber at death	
	I, II and III	IV and V
	£	£ s. d.
After 31st March 1887 ... ..	535	445 16 8
After 31st March 1877 and before 1st April 1887 ... ..	540	450 0 0
After 31st March 1872 and before 1st April 1877 ... ..	545	454 3 4
After 31st March 1867 and before 1st April 1872 ... ..	550	458 6 8
Before 1st April 1867 ... ..	555	462 10 0

Of the above pensions, the following amounts are payable by Government :—  
Class II, £60 ; Class III, £120 ; Class IV, £110 ; Class V, £150.

Of the portion of the above pensions met from the Fund, the undermentioned amounts are granted temporarily, and the pensions are therefore liable to reduction by amounts not exceeding the following, viz. :—

Classes I, II and III, £105 ; Classes IV and V, £87 10s. 0d.

(2) Annual pension with effect from 16th November 1964, payable to a fatherless child :—

	£	s.	d.
Payable from the Fund . . . . .	151	13	4
Payable by Government . . . . .	25	0	0
	<hr/>		
	176	13	4

Of the portion of the above pensions met from the Fund, the amount of £35 is granted temporarily, and the pensions are therefore liable to reduction not exceeding that amount.

**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules provide for an increase, on a temporary basis, in the rates of pension payable under the Rules of the Indian Civil Service Family Pension Fund.

1964 No. 1900

**INDUSTRIAL ORGANISATION AND DEVELOPMENT**

**The Cutlery and Stainless Steel Flatware Industry  
(Scientific Research Levy) (Amendment) Order 1964**

*Laid before Parliament in draft*

*Made - - - - 30th November 1964*

*Coming into Operation 1st January 1965*

Whereas the Board of Trade have in pursuance of the powers conferred upon them by section 9 of the Industrial Organisation and Development Act 1947(a) made the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1962(b):

And whereas by virtue of subsection (7) of that section the said Order may be amended by an Order made by the Board of Trade:

And whereas the Board of Trade have consulted the organisation appearing to them to be representative of substantial numbers of persons carrying on business in the cutlery and stainless steel flatware industry and the organisation representative of persons employed in that industry appearing to them to be appropriate:

And whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, the Board of Trade in pursuance of the powers conferred upon them by section 9 of the Industrial Organisation and Development Act 1947 hereby order as follows:—

1. The Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1962 shall in relation to charges imposed in respect of the levy period ending on 30th June 1965 and each subsequent levy period have effect subject to the amendment that in Article 5 for “ 15s. 0d.” wherever it appears there shall be substituted “ £1 ”.

2.—(1) The Interpretation Act 1889(c) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) (Amendment) Order 1964, and shall come into operation on 1st January 1965.

30th November 1964.

*Douglas Jay,*  
President of the Board of Trade.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Cutlery and Stainless Steel Flatware Industry (Scientific Research Levy) Order 1962 by increasing the rates of the levy payable in respect of levy periods ending on or after 30th June 1965.

1964 No. 1901 (S. 120)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of Court Amendment No. 5) 1964

Made - - - - 27th November 1964  
 Coming into Operation 7th January 1965

The Lords of Council and Session, under and by virtue of the powers conferred upon them by section 16 of the Administration of Justice (Scotland) Act 1933(a) and of all other powers competent to them in that behalf do hereby enact as follows:—

1. The Rules of the Court of Session(b) shall be amended by deleting the words “designations and addresses of all persons on whom the petition is to be served (distinguishing any upon whom the petition is to be served edictally) shall be set forth either in the narrative or in the prayer” occurring at the end of paragraph (b) of Rule of Court 209, and by substituting therefor the words:—“designations, addresses and capacities of all persons on whom the petition is to be served, distinguishing any upon whom the petition is to be served edictally, shall be set forth in a Schedule annexed to the petition and referred to in the prayer”.

2. This Act of Sederunt may be cited as the Act of Sederunt (Rules of Court Amendment No. 5) 1964, and shall come into operation on 7th January 1965 and shall apply to all Petitions presented on or after that date.

And the Lords appoint this Act of Sederunt to be inserted in the Books of Sederunt.

J. L. Clyde,  
 I.P.D.

Edinburgh,  
 27th November 1964.

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EXPLANATORY NOTE

*(This Note is not part of the Act of Sederunt, but is intended to indicate its general purport.)*

This Act of Sederunt amends the Rules of Court by abolishing the practice whereby (a) the designations and addresses of persons on whom a petition is to be served are set forth in the narrative of the Petition and (b) the names of said persons are set forth in the prayer of the petition. From the date on which this Act of Sederunt comes into operation, every petition, an order for service of which is sought, shall have annexed to it a Schedule. This Schedule shall set forth the names, designations and addresses of all persons on whom service is sought, and shall also specify the capacities in which service upon them is to be effected (e.g. as tutor, curator, trustee *et cetera*) of a certain person or persons, or as an individual, or as the case may be).

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(a) 23 & 24 Geo. 5. c. 41.

(b) S.I. 1948/1691 (1948 I, p. 3778).



Where both service in common form and edictal service is sought, the Schedule shall contain two lists, one giving the particulars mentioned above in relation to those persons upon whom service in common form is sought, the other giving the said particulars in relation to those upon whom edictal service is sought. It should, as in present practice, be made clear in the narrative why service on any person is sought. The prayer should ask for an order for service, or for service in common form and edictally, as the case may be, upon the persons named and designed in the Schedule annexed to the petition.

1964 No. 1907

**LEGAL AID AND ADVICE, ENGLAND**
**The Legal Aid (Assessment of Resources) (Amendment)  
Regulations 1964**

*Made* - - - - 30th November 1964  
*Laid before Parliament* 7th December 1964  
*Coming into Operation* 1st January 1965

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the powers conferred on me by sections 4 and 12 of the Legal Aid and Advice Act 1949(a), and with the concurrence of the Treasury, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (Assessment of Resources) (Amendment) Regulations 1964 and shall come into operation on 1st January 1965.

(2) In these Regulations a regulation referred to by number means the regulation so numbered in the Legal Aid (Assessment of Resources) Regulations 1960(b) as amended(c).

(3) The Interpretation Act 1889(d) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. In paragraph (2) of Regulation 1 (which relates, among other things, to the interpretation of expressions used in the Regulations) the following proceedings shall be added to the definition of “authorized summary proceedings”, namely—

(iv) proceedings in a magistrates’ court under sections 62, 63, 65, 66, 84 and 85(1) of the Children and Young Persons Act 1933(e), section 40 of the Education Act 1944(f) and section 3 of the Children and Young Persons Act 1963(g).

Dated 30th November 1964.

*Gardiner, C.*

*George Lawson,*

*Harriet Slater,*

Two of the Lords Commissioners  
of Her Majesty’s Treasury.

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(a) 12, 13 & 14 Geo. 6. c. 51.

(c) The relevant amending instrument is S.I. 1961/555 (1961 I, p. 1220).

(d) 52 & 53 Vict. c. 63.

(f) 7 & 8 Geo. 6. c. 31.

(b) S.I. 1960/1471 (1960 II, p. 1749).

(e) 23 & 24 Geo. 5. c. 12.

(g) 1963 c. 37.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

With effect from 1st January 1965, these Regulations further amend the Legal Aid (Assessment of Resources) Regulations 1960 so as to provide for the determination of the resources of a person who applies for legal aid in a case in which a child or young person is brought before a court as being in need of care, protection or control.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1923 (S. 121)

**LOCAL GOVERNMENT, SCOTLAND**

**The Local Government (General Grant Transitional Adjustments) (Scotland) Regulations 1964**

*Made . . . . . 3rd December 1964*

*Laid before the Commons  
House of Parliament 9th December 1964*

*Coming into Operation 10th December 1964*

In exercise of the powers conferred on me by section 18(3) and (4) of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958(a), I hereby make the following regulations :—

1. These regulations may be cited as the Local Government (General Grant Transitional Adjustments) (Scotland) Regulations 1964, and shall come into operation on 10th December 1964.

2. In these regulations—

“ the Act ” means the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.

3. Section 18 of the Act shall apply to the year beginning on 16th May 1965.

4. For the year beginning on 16th May 1965, the amount of the contribution to a local authority under the said section 18 shall be seven-fortieths of the loss accruing to the authority as ascertained under that section.

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
3rd December 1964.

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**EXPLANATORY NOTE**

*(This Note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations provide that the transitional adjustments under section 18 of the Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958, shall continue at a reduced rate for one further year, viz. 1965-66 and that any losses incurred by local authorities owing to the coming into operation of sections 1, 2, 4, 6 and 7 of the Act, as ascertained under section 18, shall be made good as to seven-fortieths in that year.

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(a) 6 & 7 Eliz. 2. c. 64.

1964 No. 1938 (S. 122)

**SEA FISHERIES****SEAL FISHERIES****The Grey Seals Protection (Scotland) (Suspension of Close Season) Order 1964***Laid before Parliament in draft**Made - - - - 7th December 1964**Coming into Operation 7th December 1964*

The Secretary of State, in exercise of the power conferred on him by section 1 of the Grey Seals Protection Act 1932(a), and of all other powers enabling him in that behalf, hereby makes the following order, a draft whereof has been laid before Parliament in accordance with section 1(4) of the said Act as read with section 6(2) of the Statutory Instruments Act 1946(b):—

*Citation*

1. This order may be cited as the Grey Seals Protection (Scotland) (Suspension of Close Season) Order 1964.

*Interpretation*

2.—(1) In this order—

“the Act” means the Grey Seals Protection Act 1932;

“grey seal” means a seal of the species known as *Halichoerus grypus*;

“the normal close season” means the period in each year in respect of which a close season for grey seals is established by section 1(1) of the Act (apart from any order made under the proviso thereto), that is to say the period extending from 1st September to 31st December;

“the prescribed area” means Scotland other than the following areas—

The Outer Hebrides including the islands of Haskeir Mor and Haskeir Beig and any place within three miles of any part of the said islands; and the following national nature reserves:

Rhum, St. Kilda, Sula Sgeir, North Rona, Hermaness (Unst, Shetland), Isle of May.

“the suspense period” means the period of twelve months next following the making of this order.

(2) The Interpretation Act 1889(c) applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Suspension of close season for the prescribed area in 1964–65*

3. The Secretary of State hereby directs that notwithstanding anything (apart from the proviso) in section 1(1) of the Act, there shall be no close season in the prescribed area during the suspense period.

(a) 22 &amp; 23 Geo. 5. c.23.

(b) 9 &amp; 10 Geo. 6. c. 36.

(c) 52 &amp; 53 Vict. c. 63.

*Regulations*

4. The regulations contained in the Schedule to this order, being regulations providing for the grant and revocation of permits by the Secretary of State and prohibiting the killing of grey seals in the prescribed area during so much of the normal close season as falls within the suspense period except by persons holding permits and in such manner and by means of such weapon or instrument as is specified in those regulations, shall have effect.

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.

7th December 1964.

**SCHEDULE****REGULATIONS**

1. The killing of grey seals in the prescribed area during so much of the normal close season as falls within the suspense period except by a person holding a permit granted in accordance with these regulations, and except in such manner and by means of such weapon or instrument as is specified in these regulations, is hereby prohibited.

2.—(1) The Secretary of State may, if he thinks fit, grant to any person a permit under these regulations and he may revoke the permit at any time by giving notice to the person to whom it was granted.

(2) Any such permit shall specify—

(a) the area within which the holder is authorised to kill grey seals, and

(b) the manner of killing and the means which the holder may employ for that purpose, both of which shall be in accordance with regulation 3 of these regulations.

3. The only manner in which grey seals may be killed in the prescribed area during the suspense period by a person holding a permit granted in accordance with these regulations is by shooting in such a way that death is caused instantaneously and the only weapon to be employed for that purpose is a Webley .32 humane killer or a rifle.

**EXPLANATORY NOTE**

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

The Grey Seals Protection Act 1932, establishes an annual close season for grey seals extending from 1st September to 31st December. This order made by the Secretary of State under section 1 of the Act, directs that there shall be no close season in Scotland other than in certain excepted areas during the period of twelve months next following the making of this order which was made on 7th December 1964. The effect of the order is to continue during the period of twelve months next following the making of the order the position created by the Grey Seals Protection (Scotland) (Suspension of Close Season) Order 1963 (S.I. 1963/1993).

In accordance with section 1(2) of the Act, the order contains regulations prohibiting the killing of grey seals during the part of that period which would, apart from the provisions of this order, be the normal close season, except by persons holding permits granted by the Secretary of State. The regulations specify the conditions of permits generally and the means by which the seals are to be killed.

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 STATUTORY INSTRUMENTS
 

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1964 No. 1944 (L. 15)

**SUPREME COURT OF JUDICATURE, ENGLAND**

**PROCEDURE**

**The Rules of the Supreme Court (No. 2) 1964**

*Made* - - - - 8th December 1964

*Laid before Parliament* 15th December 1964

*Coming into Operation* 1st January 1965

We, the Rule Committee of the Supreme Court, being the authority having for the time being power under section 99(4) of the Supreme Court of Judicature (Consolidation) Act 1925(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

1. The Rules of the Supreme Court(b) shall be amended in accordance with the following provisions of this instrument.

2. In Order 4, in rule 6(2)(b), after the word "rule" there shall be inserted the words "or Order 72, rule 5(5)".

3. Order 72 shall be amended as follows:—

(1) The words "in the Queen's Bench Division" shall be inserted—

(a) at the end of the title,

(b) in rules 1(1) and 2(1), after the words "commercial actions", and

(c) in rules 4(1) and (2) and 5(1), (3), (4) and (5), after the words "commercial action".

(2) In rule 4(1) the words "the Admiralty registry", in rule 4(2) the words "or the Admiralty registry", and in rule 4(4) the words from "or" to the end, shall be omitted.

4. This instrument may be cited as the Rules of the Supreme Court (No. 2) 1964 and shall come into operation on 1st January 1965.

Dated 8th December 1964.

*Gardiner, C.  
Parker of Waddington, C.J.  
Denning, M.R.  
J. E. S. Simon, P.  
Colin H. Pearson, L.J.  
Edmund Davies, J.  
Geoffrey Cross, J.  
Eustace Roskill, J.  
Arthur Bagnall.  
Hugh Griffiths.  
Charles Norton.  
W. O. Carter.*

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(a) 15 & 16 Geo. 5. c. 49.

(b) S.I. 1962/2145 (1962 III, p. 2529) and see S.I. 1964/1213 (1964 II, p. 2804).



**EXPLANATORY NOTE**

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules amend Order 72 of the Rules of the Supreme Court so that only actions in the Queen's Bench Division can be entered in the commercial list kept under that Order.

1964 No. 1946

SUGAR

**The Sugar (Rates of Surcharge and Surcharge Repayments)  
(No. 6) Order 1964**

*Made* - - - - 9th December 1964

*Laid before Parliament* 10th December 1964

*Coming into Operation* 11th December 1964

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 7(4), 8(6) and 33(4) of the Sugar Act 1956(a) having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(b), and of all other powers enabling him in that behalf, with the concurrence of the Treasury, on the advice of the Sugar Board, hereby makes the following order :—

1.—(1) This order may be cited as the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 6) Order 1964 ; and shall come into operation on 11th December 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Notwithstanding the provisions of Article 2 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1964(d), the rates of surcharge payable under and in accordance with the provisions of section 7 of the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar imported or home produced or used in the manufacture of imported composite sugar products shall on and after 11th December 1964 be those rates specified in Schedule 1 to this order.

3. For the purpose of section 8(3)(b) of the Sugar Act 1956, having effect as aforesaid, the rates of surcharge repayments in respect of invert sugar produced in the United Kingdom from materials on which on or after 11th December 1964 sugar duty has been paid or, by virtue of paragraph 1 of Part II of Schedule 5 to the Finance Act 1962, is treated as having been paid shall, notwithstanding the provisions of Article 3 of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 5) Order 1964 be those specified in Schedule 2 to this order.

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(a) 4 & 5 Eliz. 2. c. 48.

(c) 52 & 53 Vict. c. 63.

(b) 10 & 11 Eliz. 2. c. 44.

(d) S.I. 1964/1379 (1964 II, p. 3094).

In Witness whereof the Official Seal of the Minister of Agriculture,  
Fisheries and Food is hereunto affixed on 8th December 1964.

(L.S.)

*E. Jones-Parry,*  
Authorised by the Minister.

We concur.

9th December 1964.

*Harriet Slater*  
*Ifor Davies*

Two of the Lords Commissioners of  
Her Majesty's Treasury.

### SCHEDULE 1

#### PART I

#### SURCHARGE RATES FOR SUGAR

Polarisation		Rate of Surcharge per cwt.
		s. d.
Exceeding—		
99°	.. .. .	37 4·0
98° but not exceeding 99°	.. .. .	35 2·4
97°	98° .. .. .	34 4·1
96°	97° .. .. .	33 5·4
95°	96° .. .. .	32 6·6
94°	95° .. .. .	31 7·9
93°	94° .. .. .	30 9·1
92°	93° .. .. .	29 10·4
91°	92° .. .. .	28 11·6
90°	91° .. .. .	28 0·8
89°	90° .. .. .	27 2·1
88°	89° .. .. .	26 3·3
87°	88° .. .. .	25 6·4
86°	87° .. .. .	24 9·4
85°	86° .. .. .	24 1·4
84°	85° .. .. .	23 5·3
83°	84° .. .. .	22 9·2
82°	83° .. .. .	22 1·2
81°	82° .. .. .	21 6·0
80°	81° .. .. .	20 10·8
79°	80° .. .. .	20 3·7
78°	79° .. .. .	19 8·5
77°	78° .. .. .	19 1·3
76°	77° .. .. .	18 6·2
Not exceeding 76°	.. .. .	17 11·0

**PART II**  
**SURCHARGE RATES FOR INVERT SUGAR**

Sweetening matter content by weight	Rate of Surcharge per cwt.
	s. d.
70 per cent. or more .. .. .	23 8
Less than 70 per cent. and more than 50 per cent. .. .. .	17 0
Not more than 50 per cent. .. .. .	8 4

**SCHEDULE 2**  
**SURCHARGE REPAYMENT RATES FOR INVERT SUGAR**

Sweetening matter content by weight	Rate of Surcharge Repayment per cwt.
	s. d.
More than 80 per cent. .. .. .	28 0
More than 70 per cent. but not more than 80 per cent. .. .. .	23 8
More than 60 per cent. but not more than 70 per cent. .. .. .	17 0
More than 50 per cent. but not more than 60 per cent. .. .. .	13 6
Not more than 50 per cent. and the invert sugar not being less in weight than 14 lb. per gallon .. .. .	8 4

**EXPLANATORY NOTE**

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order prescribes—

- (a) increases equivalent to 4s. 8d. per cwt. of refined sugar in the rates of surcharge payable on sugar and invert sugar which become chargeable with surcharge on or after 11th December 1964 ;
- (b) correspondingly increased rates of surcharge repayment in respect of invert sugar produced in the United Kingdom from materials on which surcharge has been paid.

## 1964 No. 1947

## SUGAR

**The Composite Sugar Products (Surcharge—Average Rates)  
(No. 7) Order 1964**

<i>Made - - - -</i>	<i>9th December 1964</i>
<i>Laid before Parliament</i>	<i>10th December 1964</i>
<i>Coming into Operation</i>	<i>11th December 1964</i>

Whereas the Minister of Agriculture, Fisheries and Food (hereinafter called "the Minister") has on the recommendation of the Commissioners of Customs and Excise (hereinafter called "the Commissioners") made an order (a) pursuant to the powers conferred upon him by section 9(1) of the Sugar Act 1956(b), having effect subject to the provisions of section 3 of, and Part II of Schedule 5 to, the Finance Act 1962(c), providing that in the case of certain descriptions of composite sugar products surcharge shall be calculated on the basis of an average quantity of sugar taken to have been used in the manufacture of the products and that certain other descriptions shall be treated as not containing any sugar or invert sugar :

Now, therefore, the Minister, on the recommendation of the Commissioners and in exercise of the powers conferred upon him by sections 9(1) and 33(4) of the Sugar Act 1956, having effect as aforesaid, and of all other powers enabling him in that behalf, hereby makes the following order :—

1.—(1) This order may be cited as the Composite Sugar Products (Surcharge—Average Rates) (No. 7) Order 1964 ; and shall come into operation on 11th December 1964.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

2. Surcharge payable on or after 11th December 1964 under and in accordance with the Sugar Act 1956, having effect as aforesaid, in respect of sugar and invert sugar used in the manufacture of the descriptions of imported composite sugar products specified in column 2 of Schedule 1 to this order shall, notwithstanding the provisions of the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 6) Order 1964(e) and the Composite Sugar Products (Surcharge—Average Rates) (No. 6) Order 1964(a), be calculated by reference to the weight or value, as the case may be, of the products at the rates specified in relation thereto in column 3 of the said Schedule.

3. Imported composite sugar products other than those of a description specified in Schedules 1 and 2 to this order shall be treated as not containing any sugar or invert sugar for the purposes of surcharge payable on or after 11th December 1964.

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(a) S.I. 1964/1380 (1964 II, p. 3097).

(b) 4 & 5 Eliz. 2. c. 48.

(c) 10 & 11 Eliz. 2. c. 44.

(d) 52 & 53 Vict. c. 63.

(e) S.I. 1964/1946 (1964 III, p. 4247).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th December 1964.

(L.S.)

*E. Jones-Parry,*  
Authorised by the Minister.

## SCHEDULE 1

In this Schedule :—

“Tariff heading” means a heading or, where the context so requires, a subheading of the Customs Tariff 1959 (see paragraph (1) of Article 1 of the Import Duties (General) (No. 3) Order 1961(a)).

“Per cent.” means, where it occurs in relation to any rate of surcharge, per cent. of the value for customs duty purposes of the product to which it relates.

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
		per cwt. s. d.
04.02 .. ..	Milk and cream, preserved, concentrated or sweetened :— containing not more than 10 per cent. by weight of added sweetening matter .. .. .	3 8
	containing more than 10 per cent. but not more than 50 per cent. by weight of added sweetening matter .. .. .	16 6
17.02 (B) and 17.05 (B)	Syrups containing sucrose sugar, whether or not flavoured or coloured, but not including fruit juices containing added sugar in any proportion :— containing 70 per cent. or more by weight of sweetening matter .. .. .	23 8
	containing less than 70 per cent., and more than 50 per cent., by weight of sweetening matter ..	17 0
	containing not more than 50 per cent. by weight of sweetening matter .. .. .	8 4
17.02 (F) ..	Caramel :— Solid .. .. .	37 4
	Liquid .. .. .	26 2
17.04 .. ..	Sugar confectionery, not containing cocoa .. ..	30 4
18.06 (C) ..	Chocolate and other food preparations containing cocoa (but not being chocolate milk crumb, chocolate couverture not prepared for retail sale, or sweetened cocoa powder) .. .. .	21 8
19.08 .. ..	Pastry, biscuits, cakes and other fine bakers' wares containing added sweetening matter :— Biscuits .. .. .	per cent. 8
	Other .. .. .	4½

Tariff heading	Description of Imported Composite Sugar Products	Rate of Surcharge
20.01 .. ..	Vegetables and fruit, prepared or preserved by vinegar or acetic acid, containing added sweetening matter .. .. .	per cent. 11½
20.03 .. ..	Fruit preserved by freezing, containing added sugar	4
20.04 .. ..	Fruit, fruit-peel and parts of plants, preserved by sugar (drained, glacé or crystallised) .. ..	per cwt. s. d. 24 6
20.05 .. ..	Jams, fruit jellies, marmalades, fruit purée and fruit pastes, being cooked preparations, containing added sweetening matter .. .. .	23 6
20.06 (A) and (B) .. ..	Fruit otherwise prepared or preserved, containing added sweetening matter :— Ginger .. .. . Other .. .. .	per cent. 16 4
20.07 .. ..	Fruit juices (including grape must) and vegetable juices, unfermented and not containing spirit :— containing not more than 20 per cent. by weight of added sweetening matter .. .. . containing more than 20 per cent. by weight of added sweetening matter .. .. .	1½ 19½
21.07 .. ..	Food preparations not elsewhere specified or included :— Table jelly crystals, powders or squares ..	19½
	Sweetfat (mixtures of edible fats and sugar) ..	per cwt. s. d. 24 0

## SCHEDULE 2

Tariff heading	Description of Imported Composite Sugar Products
04.02 .. ..	Milk and cream, preserved, concentrated or sweetened, containing more than 50 per cent. by weight of added sweetening matter.
17.05 (A) and (B)	Sugar and invert sugar, flavoured or coloured.
18.06 (A) ..	Chocolate milk crumb.
18.06 (B) ..	Cocoa powder, sweetened.
18.06 (C) ..	Chocolate couverture not prepared for retail sale.

**EXPLANATORY NOTE**

*(This Note is not part of the order, but is intended to indicate its general purport.)*

This order provides for increases in the average rates of surcharge payable on imported composite sugar products of the descriptions specified in Schedule 1 on and after 11th December 1964. These correspond to the increases in surcharge rates effected by the Sugar (Rates of Surcharge and Surcharge Repayments) (No. 6) Order 1964 (S.I. 1964/1946). Provision is also made for certain imported composite sugar products to be treated as not containing any sugar or invert sugar.



1964 No. 1953

## LONDON GOVERNMENT

## The London Government (Compensation) Regulations 1964

*Made* - - - - 10th December 1964

*Laid before Parliament* 17th December 1964

*Coming into Operation* 18th December 1964

The Minister of Housing and Local Government, as the appropriate Minister for the purposes of section 85(4) of the London Government Act 1963(a) in relation to the persons to whom these regulations relate, in exercise of his powers under the said section 85(4), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

## PART I

## PRELIMINARY

*Citation and commencement*

1. These regulations may be cited as the London Government (Compensation) Regulations 1964, and shall come into operation on 18th December 1964.

*Interpretation*

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

“accrued pension” in relation to a pensionable officer who has suffered loss of employment, means the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation (modified where necessary in accordance with regulations 23(2) and 41 of these regulations) prescribed by the pension scheme to which he was last subject before suffering loss of employment if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in course of making:

Provided that in the case of a pensionable officer who held the office of clerk of the peace or deputy clerk of the peace no account shall be taken of any part of the pension which would have been calculated by reference to his remuneration in either such office;

“accrued retiring allowance” in relation to a pensionable officer who has suffered loss of employment, means any lump sum payment to which he would have become entitled in respect of his pensionable service according to the method of calculation (modified where necessary in accordance with regulations 23(2) and 41 of these regulations) prescribed by the pension scheme to which he was last subject before suffering loss of employment

if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution and completed any additional contributory payments or payments in respect of added years which he was in course of making:

Provided that in the case of a pensionable officer who held the office of clerk of the peace or deputy clerk of the peace no account shall be taken of any part of the lump sum payment which would have been calculated by reference to his remuneration in either such office;

“accrued incapacity pension” and “accrued incapacity retiring allowance” have the same respective meanings as “accrued pension” and “accrued retiring allowance” except that the reference to a person’s having attained normal retiring age shall be construed as a reference to his having become incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body;

“the Act” means the London Government Act 1963;

“added years” in relation to a person who suffers loss of employment, means—

(a) in the case of a contributory employee or local Act contributor any additional years of service reckonable by him in his employment immediately prior to the loss in question under regulation 12 of the Local Government Superannuation (Benefits) Regulations 1954(a), any corresponding provision of a local Act scheme, or that regulation or any such provision as aforesaid as applied by regulations made under Schedule 3 or Schedule 4 to the Local Government Superannuation Act 1953(b), and includes any additional years of service which, having been granted under any such provision or under any similar provision contained in any other enactment or scheme, have subsequently become and are reckonable under or by virtue of rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(c), or any other enactment; and

(b) in the case of a person employed in contributory service under the Teachers (Superannuation) Acts 1918 to 1956(d), any additional years of service similar to additional years of service referred to in paragraph (a) of this definition which at the date of the loss in question have become, or are in course of becoming, reckonable in his employment in contributory service;

“additional contributory payments” means—

(a) additional contributory payments of the kind referred to in section 2(3) and (4) of the Local Government Superannuation Act 1953; or

(b) any similar payments made under a local Act scheme as a condition of reckoning any period of employment as service or as a period of contribution for the purposes of the scheme, or, where the scheme provides for the reckoning of non-contributing service, as contributing service for the purposes of the scheme; or

(c) any payments made for the purpose of increasing the length at which any period of service or of contribution would be reckonable for the purpose of calculating a benefit under a local Act scheme; or

(a) S.I. 1954/1048 (1954 II, p. 1595). (b) 1 & 2 Eliz. 2. c. 25. (c) 11 & 12 Geo. 6. c. 33. (d) 8 & 9 Geo. 5. c. 55; 12 & 13 Geo. 5. c. 42; 15 & 16 Geo. 5. c. 59; 25 & 26 Geo. 5. c. 35; 1 Edw. 8 & 1 Geo. 6. c. 47; 2 & 3 Geo. 6. c. 95; 8 & 9 Geo. 6. c. 14; 9 & 10 Geo. 6. c. 60; and 4 & 5 Eliz. 2. c. 53.

(d) any payments similar to any of those mentioned in the foregoing sub-paragraphs made in pursuance of rules under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948 ;

“ compensating authority ” means—

- (a) in relation to an officer of a local authority who after being transferred by or under the Act to the employment of another local authority has suffered loss of employment or loss or diminution of emoluments, the local authority by whom the officer was last employed or the emoluments were last paid, as the case may be, prior to the loss or diminution ;
- (b) in relation to an officer of a local authority not transferred by or under the Act who suffers loss of employment or loss or diminution of emoluments, such local authority as is mentioned in the last foregoing paragraph or, if that authority has ceased to exist, the authority to whom the residue of its property and liabilities have been transferred under the Act ;
- (c) in relation to any other person who has suffered such loss or diminution as aforesaid and who immediately prior to the loss or diminution was employed under an officer of a local authority, the authority who under the foregoing paragraphs would have been the compensating authority in relation to that officer if he had suffered such loss or diminution at the same time ;
- (d) in relation to an officer of a local valuation panel or person employed under such an officer, the Minister ; and
- (e) in any other case, such local authority or other body as the Minister may determine ;

“ contributory employee ” and “ local Act contributor ” have the same meaning as in the Local Government Superannuation Act 1937(a) ;

“ emoluments ” means all salary, wages, fees and other payments paid or made to an officer as such for his own use, and includes the money value of any apartments, rations or other allowances in kind appertaining to his employment, but does not include payments for overtime, other than payments which are a usual incident of his employment, or any allowances payable to him to cover the cost of providing office accommodation or clerical or other assistance, or any travelling or subsistence allowance or other moneys to be spent, or to cover expenses incurred by him, for the purposes of his employment ; and

“ net emoluments ” means—

- (a) in relation to an employment which has been lost or in which an officer has suffered a diminution of emoluments, the annual rate (subject to regulation 41 of these regulations) of the emoluments of that employment immediately before such loss or diminution, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his employment except any periodical sum payable in respect of additional contributory payments ; and
- (b) in relation to any other employment, the annual rate of the emoluments of that employment at the time in question, less such part of those emoluments as the officer was then liable to contribute under any pension scheme associated with his employment :

Provided that where fees were paid to a person as part of his emoluments during any year prior to that immediately preceding the loss or diminution, the amount in respect of fees to be included in the annual rate of emoluments mentioned in sub-paragraph (a) hereof shall be the annual average of the fees paid to him during the period of five years immediately preceding the loss or diminution, or such shorter period, as may be reasonable in the circumstances ;

“ local authority ” means the council of a county, county borough, metropolitan borough, London borough, county district, rural parish or borough included in a rural district and includes the Greater London Council, the Common Council of the City of London, the council of the Isles of Scilly, any two or more of those authorities acting jointly, and any joint committee, combined authority or joint board and a police authority for a county, a borough or a combined police area ;

“ long-term compensation ” means compensation payable in accordance with the provisions of Part IV of these regulations for loss of employment or loss or diminution of emoluments ;

“ material date ” in relation to any person who has suffered loss of employment or loss or diminution of emoluments means—

(a) where the loss or diminution is attributable to any provision of the Act—

(i) for the purposes of regulations 3 and 5 of these regulations, the date of coming into operation of these regulations ; and

(ii) for any other purpose of these regulations, 1st April 1965, or the date on which the loss or diminution occurred, whichever is the earlier ; and

(b) where the loss or diminution is attributable to the provisions of any instrument made under the Act (including an agreement made under section 24(7) thereof) the date on which the instrument or agreement was made, or such other date or dates as may be specified therein for all or any of the purposes of these regulations ;

“ minimum pensionable age ” means, in relation to a pensionable officer, the earliest age at which, under the pension scheme associated with the employment he has lost or the emoluments of which have been diminished, he could have become entitled to a pension other than a pension payable in consequence of his incapacity to discharge efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body ;

“ Minister ” means the Minister of Housing and Local Government ;

“ national service ” means service which is relevant service within the meaning of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), and includes service immediately following such service as aforesaid, being service in any of Her Majesty’s naval, military or air forces pursuant to a voluntary engagement entered into with the consent—

(a) in the case of a person whose last relevant employment was as a justices’ clerk, of the authority by whom he was appointed, or

(b) in the case of any other person, of the authority or person under whom he held his last relevant employment ;

“ normal retiring age ” means, in the case of a pensionable officer to whom an age of compulsory retirement applied by virtue of any pension scheme to which he was subject in the employment he has lost or the

emoluments of which have been diminished or by virtue of the conditions of that employment, that age, and, in any other case, the age of sixty-five years if the officer is a male, or sixty years if the officer is a female ;

“ office ” means any place, situation or employment, and the expression “ officer ” shall be construed accordingly ;

“ pensionable officer ” in relation to an officer who has suffered loss of employment or loss or diminution of emoluments, means an officer who immediately before such loss or diminution was entitled to participate in the benefits of any pension scheme associated with his employment as an officer ;

“ pension scheme ” means a scheme for the payment of superannuation benefits to a person as part of the terms and conditions of any employment held by him ;

“ reckonable service ” in relation to a person means any period of whole-time or part-time employment in any relevant employment and includes any period of war service or national service undertaken on the person’s ceasing to hold any such employment but does not include employment of which account has been taken, or is required to be taken, in calculating the amount of any superannuation benefit to which the person has become entitled ;

“ registration officer ” means a superintendent registrar, deputy superintendent registrar, registrar of births and deaths, deputy registrar of births and deaths, registrar of marriages appointed under section 7 of the Registration Service Act 1953(a), or a person employed under any such officer for the purposes of his functions as such officer ;

“ relevant employment ” means employment—

- (a) under the Crown or in the service of a local authority or local valuation panel in Great Britain, or
- (b) by any authority or body for the purposes of the Crown or of local government in Great Britain, or
- (c) under any officer employed as mentioned in either of the foregoing paragraphs of this definition for the purposes of the functions of the employing authority or body, or
- (d) preceding any of the foregoing employments which was reckonable for the purposes of any pension scheme associated with the employment which has been lost, or
- (e) in such other service as the Minister may, in the case of any named officer, approve ;

“ resettlement compensation ” means compensation payable in accordance with Part III of these regulations for loss of employment suffered by a person to whom these regulations apply ;

“ retirement compensation ” means compensation payable in accordance with the provisions of regulation 18, 19, 20 or 21 of these regulations ;

“ tribunal ” means a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor ;

“ war service ” means war service within the meaning of the Local Government Staffs (War Service) Act 1939(b), the Teachers Superannuation (War Service) Act 1939(c), the Police and Firemen (War Service) Act 1939(d) or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act 1940(e) and includes any period of

(a) 1 & 2 Eliz. 2. c. 37. (b) 2 & 3 Geo. 6. c. 94. (c) 2 & 3 Geo. 6. c. 95.  
(d) 2 & 3 Geo. 6. c. 103. (e) 3 & 4 Geo. 6. c. 26.

service in the First World War in the armed forces of the Crown or in the forces of the Allied or Associated Powers if such service immediately followed a period of relevant employment and was undertaken either compulsorily or with the permission of the employer in that employment.

(2) Without prejudice to the generality of the definition of "officer" in the last foregoing paragraph, the following persons shall be deemed for the purposes of these regulations to be officers of a local authority, whether or not they are the holders of any office under such an authority, that is to say—

- (a) registration officers,
- (b) public analysts and deputy public analysts,
- (c) medical referees and deputy medical referees of crematoria provided by local authorities,

and references to employment in the service of a local authority shall be construed accordingly.

(3) Where under any provision of these regulations an annual value is to be assigned to a capital sum or a capital value to an annual amount, the annual or capital value shall be ascertained in accordance with tables for the time being approved by the Minister for the purposes of these regulations.

(4) Unless the context otherwise requires, references in these regulations to the provisions of any enactment, rule, regulation, order, scheme or other instrument shall be construed as references to those provisions as amended or re-enacted by any subsequent enactment, rule, regulation, order or scheme.

(5) The Interpretation Act 1889(a) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

## PART II

### ENTITLEMENT TO COMPENSATION

#### *Persons to whom the regulations apply*

3.—(1) Except as hereinafter provided, these regulations shall apply to any person who—

- (a) is employed immediately before the material date, either for the whole or for a part only of his time, as an officer of a local authority or local valuation panel or under such an officer for the purposes of the functions of the local authority or local valuation panel, as the case may be, or
- (b) would be so employed at that time but for any national service on which he is then engaged.

(2) These regulations shall not apply to—

- (a) any member of a fire brigade of a class prescribed by the Firemen's Pension Scheme for the time being in force under section 26 of the Fire Services Act 1947(b), for the purposes of section 2 of the Fire Services Act 1951(c), or
- (b) any officer of a local authority in his capacity as clerk of the peace or deputy clerk of the peace of a borough, or
- (c) any other person in relation to an employment in which substantially the whole of his time is devoted to assisting a clerk of the peace or deputy clerk of the peace of a county or borough in the performance of the duties of his office.

#### *Grounds of entitlement to compensation*

4. Subject to the provisions of these regulations, every person to whom these regulations apply and who suffers loss of employment or loss or

diminution of emoluments which is attributable to any provision of the Act or of any instrument made under the Act (including any agreement made under section 24(7) thereof) shall be entitled to have his case considered for the payment of compensation under these regulations and such compensation shall be determined in accordance with the following provisions of these regulations.

*National service*

5.—(1) Where any person to whom these regulations apply would have been employed immediately before the material date as an officer of a local authority or under such an officer for the purposes of the functions of the local authority but for any national service on which he was then engaged, then if before the expiry of two months after ceasing to be so engaged, or if prevented by sickness or other reasonable cause, as soon as practicable thereafter, he gives notice to the compensating authority that he is available for employment, that person shall be entitled to have his case considered for the payment of compensation on the ground—

- (a) if he is not given or offered re-employment in his former office or in any reasonably comparable office (whether in the administration of the same or a different service), of loss of employment ;
- (b) if he is so re-employed with reduced emoluments as compared with the emoluments which he would have enjoyed had he continued in his former employment, of diminution of emoluments.

(2) The loss of employment which is the ground of a claim for compensation under sub-paragraph (a) of the last foregoing paragraph shall be treated as having occurred on the earlier of the two following dates, that is to say, the date of the refusal of re-employment or a date one month after the date on which the person gave notice that he was available for employment, and the claimant shall be deemed to have been entitled to the emoluments which he would have enjoyed at such earlier date had he continued in his former employment.

### PART III

#### RESETTLEMENT COMPENSATION FOR LOSS OF EMPLOYMENT

*Resettlement compensation for loss of employment*

6.—(1) The compensating authority shall, subject to the provisions of these regulations—

- (a) consider and determine the entitlement to resettlement compensation of every person to whom this Part of these regulations applies who claims such compensation and in relation to whom the conditions set out in the next succeeding regulation are satisfied, and
- (b) pay the amount of any compensation so determined.

(2) This Part of these regulations applies to a person who at the date of the loss of employment had not attained normal retiring age and who had been for a period of not less than three years immediately preceding the material date continuously engaged (exclusive of breaks not exceeding in the aggregate six months) for the whole or part of his time in relevant employment ; and for this purpose the expression “ relevant employment ” includes any period of national service immediately following upon such employment.

*Conditions for payment of resettlement compensation*

7.—(1) Without prejudice to any other requirement of these regulations, nothing in these regulations shall entitle a person to resettlement compensation unless—

- (a) he has suffered loss of employment attributable to any provision mentioned in regulation 4 of these regulations—
- (i) not later than 31st March 1975 where the loss of employment is attributable to any provision of the Act; and
  - (ii) not later than ten years after the material date in any other case;
- (b) he has made his claim for resettlement compensation in accordance with the provisions for making claims set out in Part VII of these regulations not later than thirteen weeks after the loss of employment which is the cause of his claim;
- (c) the loss of employment which is the cause of his claim has occurred for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform; and
- (d) he has not, subject to paragraph (3) of this regulation, been offered any reasonably comparable employment under the Crown or in the service of a local authority or local valuation panel.

(2) In ascertaining for the purposes of this regulation whether a claimant has been offered employment which is reasonably comparable with the employment which he has lost no account shall be taken of the fact that the duties of the employment offered are in relation to the administration of a different service from that in connection with which his employment was held or are duties which involve a transfer of his employment from one place to another within England or Wales.

(3) No account shall be taken for the purposes of this regulation of an offer of employment which a claimant has refused before the coming into operation of these regulations or of any offer of employment where the compensating authority are satisfied—

- (a) that acceptance would have involved undue hardship to the claimant, or
- (b) that the claimant was prevented from accepting the offer by reason of ill-health or other circumstances beyond his control.

#### *Amount of resettlement compensation*

8.—(1) Subject to the provision of paragraph (2) of this regulation, resettlement compensation payable to a person to whom this Part of these regulations applies shall for each week for which such compensation is payable be a sum ascertained by taking two thirds of the weekly rate of the net emoluments which the claimant has lost and deducting therefrom such of the following items as may be applicable:—

- (a) unemployment, sickness or injury benefit under any Act relating to National Insurance at the current rate for a person having no dependants, in so far as any such benefit (whether at that or any other rate) is claimable by him in respect of such week;
- (b) two thirds of the net emoluments received by him in respect of such week from work or employment undertaken in place of the employment which he has lost;
- (c) any periodical payment to which he is entitled in respect of such week by virtue of any pension scheme to which he was subject in relation to the employment which he has lost.

(2) In determining the amount of resettlement compensation the compensating authority shall have regard to any payments to which the claimant becomes entitled in consequence of the loss of his employment under any contract or arrangement with the authority by whom he was employed



(other than payments by way of a return of contributions under a pension scheme).

(3) For the purposes of this regulation the weekly rate of a claimant's net emoluments shall be deemed to be seven three hundred and sixty-fifths of those emoluments.

*Period for payment of resettlement compensation*

9. Subject as hereinafter provided, resettlement compensation to a person to whom this Part of these regulations applies shall be payable in respect of the period of thirteen weeks next succeeding the week in which he lost the employment in respect of which his claim has been made or, in the case of a claimant who has attained the age of forty-five years, the said thirteen weeks extended by one additional week for every year of his age after attaining the age of forty-five years and before the date of the loss of employment, subject to a maximum addition of thirteen such weeks.

*Claimant for resettlement compensation to furnish particulars of employment*

10. Every claimant for resettlement compensation shall (after as well as before the compensation begins to be paid)—

- (a) forthwith supply the compensating authority in writing with particulars of any employment which he obtains or of any change in his earnings from any such employment, and
- (b) if the compensating authority so requires, so long as he is out of employment and is not receiving sickness or injury benefit, register with the Ministry of Labour.

*Additional provisions relating to resettlement compensation*

11. Resettlement compensation shall be payable to a claimant at intervals equivalent to those at which the emoluments of his employment were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority and shall forthwith be terminated by the compensating authority—

- (a) if without reasonable cause the claimant fails to comply with any of the provisions of regulation 10 of these regulations, or
- (b) if, on being requested to do so, he fails to satisfy the compensating authority that, so far as he is able, he is seeking suitable employment.

PART IV

LONG-TERM COMPENSATION FOR LOSS OF EMPLOYMENT OR LOSS OR DIMINUTION OF EMOLUMENTS

*Persons to whom Parts IV and V of the regulations apply*

12.—(1) The compensating authority shall, subject to the provisions of these regulations—

- (a) consider and determine the entitlement to long-term and retirement compensation of every person to whom this and the next succeeding Part of these regulations apply who claims such compensation and in relation to whom the conditions set out in the next succeeding regulation are satisfied, and
- (b) pay the amount of any compensation so determined.

(2) This Part and Part V of these regulations apply to a person who had been for a period of not less than eight years immediately preceding the material date continuously engaged (without a break of more than twelve months at any one time) for the whole or part of his time in relevant employment (which expression for this purpose includes any period of national

service immediately following such employment), and who at the date of the loss of employment or loss or diminution of emoluments had not, save as is provided in regulation 29 of these regulations, attained normal retiring age.

*Conditions for payment of long-term and retirement compensation*

13.—(1) Without prejudice to any other requirement of these regulations, nothing in these regulations shall entitle a person to long-term or retirement compensation unless—

- (a) he has suffered loss of employment or loss or diminution of emoluments attributable to any provision mentioned in regulation 4 of these regulations—
  - (i) not later than 31st March 1975 where the loss or diminution is attributable to any provision of the Act ; or
  - (ii) not later than ten years after the material date in any other case ;
- (b) he has made his claim for compensation in accordance with the provisions for making claims set out in Part VII of these regulations not later than two years after the loss or diminution which is the cause of the claim ; and
- (c) if the cause of the claim for compensation is loss of employment—
  - (i) his employment was terminated for some reason other than misconduct or incapacity to perform such duties as immediately before the loss he was performing or might reasonably have been required to perform ; and
  - (ii) he has not been offered any reasonably comparable employment under the Crown or in the service of a local authority or local valuation panel.

(2) Regulation 7(2) and (3) of these regulations as to offers of employment shall apply for the purposes of this regulation.

(3) Claims for long-term and retirement compensation for loss of employment shall in all respects be treated as claims for such compensation for the loss of emoluments occasioned thereby and the provisions of these regulations shall apply to all such claims accordingly.

*Factors to be considered in determining payment of long-term and retirement compensation*

14.—(1) For the purpose of determining whether long-term or retirement compensation for loss or diminution of emoluments should be paid to a claimant, and if so the amount of the compensation (subject to the limits set out in these regulations), regard shall be had to such of the following factors as may be relevant, that is to say :—

- (a) the conditions upon which the claimant held the employment which he has lost, including in particular its security of tenure, whether by law or by practice ;
- (b) the emoluments and other conditions, including security of tenure, whether by law or practice, of any work or employment undertaken by the claimant in place of the employment he has lost ;
- (c) the extent to which he has sought suitable employment and the emoluments which he might have acquired by accepting other suitable employment offered to him ;
- (d) the amount of any compensation recovered by him under or by virtue of the provisions of any enactment relating to the reinstatement in civil

employment of persons who have been in the service of the Crown, or payable to him otherwise than under these regulations in respect of the loss or diminution, whether by reason of any service agreement or contract or otherwise howsoever ;

(e) the amount of any benefit to which he is immediately entitled by virtue of any pension scheme associated with the employment which he has lost ; and

(f) all the other circumstances of his case :

Provided that no account shall be taken of the fact that a claimant entered the employment which he has lost or the emoluments of which have been diminished—

(a) after 31st July 1963, where the loss or diminution was attributable to any provision of the Act, or

(b) after the making of any instrument under the Act, where the loss or diminution was attributable to any provision of that instrument.

(2) In ascertaining for the purposes of sub-paragraph (c) of the last foregoing paragraph whether a person has been offered suitable employment, regulation 7(3) of these regulations shall apply as it applies for the purposes of that regulation.

*Amount of long-term compensation payable to an officer for loss of emoluments*

15.—(1) In the case of a person to whom this Part of these regulations applies, long-term compensation for loss of emoluments shall, subject to the provisions of these regulations, be payable until normal retiring age or death, whichever first occurs, and shall not exceed a maximum annual sum calculated in accordance with the provisions of paragraphs (2), (3) and (4) of this regulation.

(2) The said maximum annual sum shall, subject as hereinafter provided, be the aggregate of the following sums, namely—

(a) for every year of the claimant's reckonable service, one sixtieth of the net emoluments he has lost ; and

(b) in the case of a claimant who has attained the age of forty years at the date of the loss, a sum calculated in accordance with the provisions of paragraph (3) of this regulation appropriate to his age at that date :

Provided that the said maximum annual sum shall in no case exceed two thirds of the net emoluments which the claimant has lost.

(3) The sum referred to in sub-paragraph (b) of the last foregoing paragraph shall be—

(a) in the case of a claimant who has attained the age of forty years but has not attained the age of fifty years at the date of the loss, the following fraction of the net emoluments he has lost—

(i) where the claimant's reckonable service is less than ten years, one sixtieth for each year of such service after attaining the age of forty years ; or

(ii) where the claimant's reckonable service amounts to ten years but is less than fifteen years, one sixtieth for each year of such service after attaining the age of forty years and one additional sixtieth ; or

(iii) where the claimant's reckonable service amounts to fifteen years but is less than twenty years, one sixtieth for each year of such service after attaining the age of forty years and two additional sixtieths ; or

(iv) where the claimant's reckonable service amounts to twenty years or more, one sixtieth for each year of such service after attaining the age of forty years and three additional sixtieths ;

but the sum so calculated shall not in any case exceed one sixth of the said net emoluments ;

(b) in the case of a claimant who has attained the age of fifty years but has not attained the age of sixty years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of forty years, up to a maximum of fifteen such years ; and

(c) in the case of a claimant who has attained the age of sixty years at the date of the loss, one sixtieth of the said net emoluments for each year of the claimant's reckonable service after attaining the age of forty-five years.

(4) Where a person has become entitled to a superannuation benefit, by way of annual amounts under a pension scheme associated with the employment which he has lost, the maximum annual sum referred to in paragraph (1) of this regulation shall be the maximum sum calculated under paragraph (2) of this regulation as if the superannuation benefit had not been payable, less the amount of the benefit.

(5) Where a sum is payable under this regulation in respect of any period and resettlement compensation has also been paid in respect of that period, the said sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation paid as aforesaid.

(6) Compensation awarded under this regulation shall be payable at intervals equivalent to those at which the emoluments of his employment were previously paid or at such intervals as may be agreed between the claimant and the compensating authority.

#### *Long-term compensation for diminution of emoluments*

**16.** In the case of a person to whom this Part of these regulations applies long-term compensation for diminution of emoluments in respect of any employment shall be awarded and paid in accordance with the following provisions—

(a) the compensation shall consist of an annual sum which shall be payable at intervals equivalent to those at which the emoluments of the claimant's employment are or were previously paid or at such other intervals as may be agreed between the claimant and the compensating authority, and shall, subject to the provisions of these regulations, be payable until normal retiring age or death, whichever first occurs ; and

(b) the said annual sum shall not exceed the figure which bears to the maximum annual sum which could have been awarded under regulation 15 of these regulations had the claim been made under that regulation, the same ratio as the amount by which his net emoluments have been diminished (calculated as an annual amount) bears to the amount of his net emoluments, so however, that no compensation shall be payable if this ratio is less than  $2\frac{1}{2}$  per cent.

#### *Date from which long-term compensation is to be payable*

**17.—(1)** Long-term compensation shall commence to be payable with effect from the date of the claim or from such earlier date as is mentioned in the succeeding provisions of this regulation.

(2) Where a claim for long-term compensation is duly made within thirteen weeks of the occurrence of the loss or diminution which is the subject of the claim, the award shall be made retrospective to the date on which the loss or diminution occurred.

(3) Where a claim for long-term compensation is made after the expiry of the period mentioned in the last foregoing paragraph, the award may at the discretion of the compensating authority be made retrospective to a date not earlier than thirteen weeks prior to the date on which the claim was made:

Provided that if the compensating authority are satisfied that the failure to make the claim within the period mentioned in the last foregoing paragraph was due to ill-health or other circumstances beyond the claimant's control the award may be made retrospective to a date not earlier than that on which the loss or diminution occurred.

## PART V

### RETIREMENT COMPENSATION AND PAYMENTS ON DEATH

#### *Retirement compensation payable to pensionable officer on his becoming incapacitated or reaching minimum pensionable age*

**18.**—(1) Where a pensionable officer to whom this Part of these regulations applies, before attaining what would have been his normal retiring age—

(a) becomes incapacitated in circumstances in which if he had continued in the employment he has lost he would have become entitled to a pension under the pension scheme to which he was subject in that employment; or

(b) attains the age which, had he continued to serve in the employment he has lost, would have been his minimum pensionable age,

he shall be entitled on the happening of either event to claim in lieu of any compensation to which he would otherwise be entitled under these regulations—

(i) in the case mentioned in head (a) of this paragraph, an annual sum equal to the amount of his accrued incapacity pension and a lump sum equal to the amount of his accrued incapacity retiring allowance (if any); and

(ii) in the case mentioned in head (b) of this paragraph, an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any):

Provided that—

(i) if in calculating the amount of compensation payable to a person who has made such claim as aforesaid, the compensating authority, by virtue of regulation 23(2) of these regulations, have credited him with additional years of service or an additional period of contribution, no account shall be taken for the purpose of the foregoing provision of any additional years or period beyond the number of years which he could have served, had he not lost his employment, before the date on which the claim was received by the compensating authority; and

(ii) if by reason of any provision of the relevant pension scheme for a minimum benefit the amount of any such pension or retiring allowance is in excess of that attributable to the claimant's actual service, no account shall be taken for the purpose of the foregoing provision of

any such additional years or period except to the extent (if any) by which they exceed the number of years represented by the difference between the claimant's actual service and the period by reference to which the minimum benefit has been calculated ; and

- (iii) if the number of years by reference to which an accrued incapacity pension or an accrued incapacity retiring allowance is to be calculated is less than any minimum number of years of qualifying service prescribed by the relevant pension scheme, the amount of such pension or retiring allowance shall, notwithstanding any minimum benefit prescribed by the pension scheme, not exceed such proportion of such minimum benefit as the number of years of pensionable service bears to the minimum number of years of qualifying service.

(2) On receipt of a claim under the last preceding paragraph, the compensating authority shall consider forthwith whether the claimant is a person to whom that paragraph applies, and within thirteen weeks after the date of the receipt of the claim—

- (a) if they are satisfied that he is not such a person, they shall notify him in writing accordingly, and
- (b) if they are satisfied that he is such a person, they shall assess the amount of compensation payable to the person, and notify him in writing accordingly,

and any such notification shall, for the purposes of these regulations, be deemed to be a notification by the authority of a decision on a claim to compensation.

(3) If a claimant wishes to receive compensation under this regulation, he shall so inform the compensating authority in writing within one month from the receipt of a notification under the last preceding paragraph or, where the claim has been the subject of an appeal, from the decision of the tribunal thereon ; and the compensation shall be payable as from the date on which the compensating authority received the claim.

(4) A compensating authority may require any such person as is mentioned in paragraph (1)(a) of this regulation, who makes a claim under that paragraph, to submit himself to a medical examination by a registered medical practitioner selected by that authority, and, if they do so, they shall also offer the person an opportunity of submitting a report from his own medical adviser as a result of an examination by him, and the authority shall take that report into consideration, together with the report of the medical practitioner selected by them.

#### *Option to take retirement compensation prematurely in certain cases*

19.—(1) If a pensionable officer to whom this Part of these regulations applies has suffered loss of employment after attaining the age of fifty years and so requests the compensating authority by notice in writing, he shall be entitled as from the date on which the compensating authority receive such notice, in lieu of any compensation, other than resettlement compensation, to which he would otherwise be entitled under these regulations, to an annual sum equal to the amount of his accrued pension and a lump sum equal to the amount of his accrued retiring allowance (if any):

Provided that—

- (i) in calculating the amount of the compensation payable to a person who has given such notice as aforesaid no account shall be taken of any additional years of service or period of contribution credited to the person under regulation 23(2) of these regulations, and

(ii) where the officer has claimed long-term compensation, the said notice shall be given not later than two years after the determination of the claim or, where the determination is reviewed under regulation 35(3) of these regulations, not later than two years after any such review.

(2) Regulation 18(2) of these regulations shall apply in relation to a notice given under the last foregoing paragraph as it applies to a claim made under paragraph (1) of that regulation.

(3) Where an annual sum is payable under this regulation in respect of any period and resettlement compensation is also payable in respect of that period, the said annual sum shall be limited to the amount (if any) by which it exceeds the resettlement compensation payable as aforesaid.

*Retirement compensation for loss of emoluments payable to pensionable officer on attainment of normal retiring age*

20.—(1) Subject to the provisions of these regulations, when a pensionable officer to whom this Part of these regulations applies reaches normal retiring age, the retirement compensation payable to him for loss of emoluments shall be—

- (a) an annual sum equal to the amount of his accrued pension ; and
- (b) a lump sum equal to the amount of his accrued retiring allowance (if any).

(2) Compensation shall not be payable under this regulation to a claimant who is entitled to compensation under regulation 18 or 19 of these regulations.

*Retirement compensation for diminution of emoluments*

21. The provisions of regulations 18 and 20 of these regulations shall apply to a pensionable officer to whom this Part of these regulations applies and who has suffered a diminution of his emoluments, but the sums payable to such an officer in the circumstances mentioned in those regulations shall be sums which bear to the sums which would have been payable thereunder had the claim been in respect of loss of employment the same ratio as the amount by which the claimant's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments:

Provided that no compensation shall be payable if this ratio is less than  $2\frac{1}{2}$  per cent.

*Compensation of claimant who obtains further pensionable employment*

22. Where a pensionable officer after suffering loss of employment or diminution of emoluments, enters employment in which he is subject to a pension scheme and thereafter becomes entitled to reckon for the purposes of that scheme any service or period of contribution which falls to be taken into account for the purpose of assessing the amount of any retirement compensation payable to him, no retirement compensation shall be payable unless the annual rate of the emoluments to which he was entitled immediately before such loss or diminution exceeds the annual rate on entry of the emoluments of the new employment by more than  $2\frac{1}{2}$  per cent. of such first mentioned emoluments, and any retirement compensation payable to him shall, in so far as it is calculated by reference to remuneration, be calculated by reference to the difference between the said annual rates:

Provided that this regulation shall not operate to increase the amount of any retirement compensation payable in respect of diminution of emoluments beyond the amount which would have been payable if the officer had attained normal retiring age immediately before he ceased to hold the employment in which he suffered the diminution of emoluments.

*Factors governing the payment of retirement compensation*

23.—(1) An officer entitled to retirement compensation under regulation 18, 19 or 20 of these regulations shall pay to the compensating authority an amount equal to any sum which was paid to him by way of return of super-annuation contributions, whether with or without interest, after ceasing to be employed and the compensating authority may at the request of the officer repay that amount to him at any time before he becomes entitled as aforesaid, but if that amount is not paid to the compensating authority, or is repaid by them to the officer, the compensation shall be reduced by an annual amount the capital value of which is equal to the amount of the said super-annuation contributions.

(2) If the claimant had attained the age of forty years at the date on which he lost his employment or suffered a diminution of his emoluments, the compensating authority in calculating the amount of the retirement compensation payable to him shall credit him with additional years of service or an additional period of contribution on the following basis, namely—

(a) two years, whether or not the claimant has completed any years of service after attaining the age of forty years, and

(b) two years for each of the first four completed years of the claimant's reckonable service between the date when he attained the age of forty years and the date of the loss or diminution, and

(c) one year for each such year of service after the fourth,

but the additional years of service or period of contribution so credited shall not exceed the shortest of the following periods, namely—

(i) such number of years as, when added to his pensionable service, would amount to the maximum period of such service which would have been reckonable by him had he continued in his employment until attaining normal retiring age, or

(ii) the number of years of the claimant's reckonable service, or

(iii) fifteen years ;

and in calculating the amount of any retirement compensation payable to the claimant any period so added shall be aggregated with any years of service or period of contribution entailing reduction of the relevant pension or retiring allowance in connection with the passing of the National Insurance Act 1946(a).

(3) When retirement compensation is awarded or when an award is reviewed under regulation 35 of these regulations the additional compensation payable in consequence of any years of service or period of contribution credited to a claimant under the last foregoing paragraph may be reduced or withheld as the compensating authority may think reasonable having regard to the pension scheme (if any) attaching to any further employment obtained by the claimant.

(4) If under the pension scheme to which the claimant was last subject before suffering loss of employment or diminution of emoluments the amount of any benefit to which he might have become entitled might have been increased at the discretion of the authority administering the pension scheme or of any other body, the compensating authority may increase, to an extent not exceeding that to which his accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance might have been increased or supplemented, the corresponding component of any



retirement compensation payable to him ; and in this connection the compensating authority shall have regard to the terms of any relevant resolutions of an authority with regard to the increase of benefits and to the provisions of any instrument under the Act protecting the interests of the claimant.

(5) If under the pension scheme to which he was last subject before suffering loss of employment or diminution of emoluments, the claimant would have been entitled to surrender a proportion of any pension which might have become payable to him in favour of his spouse or any dependant, then, if he so desires and informs the compensating authority by notice in writing accordingly within one month after becoming entitled to retirement compensation under these regulations, he may surrender a proportion of so much of the said compensation as is payable by way of an annual sum on the like terms and conditions and in consideration of the like payments by the compensating authority as if the said annual sum were a pension to which he had become entitled under the said pension scheme.

(6) In calculating for the purposes of regulation 18, 19 or 20 of these regulations the amount of the annual sum which is equal to a claimant's accrued pension no account shall be taken of any reduction falling to be made in that pension in connection with the passing of the National Insurance Act 1946 or the National Insurance Act 1959(a) until the claimant reaches the age at which under the pension scheme to which he was subject before losing his employment the pension would have been so reduced.

(7) In paragraph (2) of this regulation the expression "reckonable service" includes any period of employment of which account has been taken or is required to be taken in calculating the amount of any super-annuation benefit to which a claimant has become entitled.

*Compensation payable on the death of a claimant*

24.—(1) Payments in accordance with this and the next two succeeding regulations shall be made to or for the benefit of the widow, child or other dependant or to the personal representatives of an officer to whom this Part of these regulations applies.

(2) If the widow, child or other dependant of the officer might have become entitled to a pension under the pension scheme to which the officer was last subject before losing his employment if such loss of employment had not occurred, the widow, child or other dependant, as the case may be, shall be entitled to receive an annual sum equal to the prescribed proportion of any retirement compensation by way of annual amounts payable to the officer under regulation 18, 19 or 20 of these regulations immediately prior to his death or, if he dies before becoming entitled to receive compensation under any of those regulations, the prescribed proportion of the compensation by way of annual amounts which he would have received under regulation 18 of these regulations had he become entitled thereto immediately prior to his death :

Provided that—

- (i) where any retirement compensation has been surrendered or compounded under regulation 23(5) or regulation 36 of these regulations, any sum payable under this regulation shall be calculated as if such surrender or compounding had not taken place ;
- (ii) where the pension scheme provides for payment of the pension to any person on behalf of the child or other dependant, any annual sum payable as aforesaid to a child or other dependant shall be paid to that person on behalf of the child or dependant in the like manner and for the like period as is provided in the pension scheme ;

(iii) in calculating the sum payable as aforesaid, it shall be assumed that the retirement compensation payable, or which would have been payable, to an officer under regulation 18, 19 or 20 of these regulations had been such sum as would have been payable if the accrued pension or accrued incapacity pension had not been reduced in connection with the passing of the National Insurance Act 1946 or the National Insurance Act 1959.

(3) Any annual sum payable to or for the benefit of a widow, child or other dependant under this regulation shall cease to be payable in any circumstances in which a corresponding pension under the said pension scheme would have ceased to be payable.

(4) Except where any compensation payable to the officer concerned has been reduced under regulation 23(1) of these regulations, compensation payable under this and the next following regulation shall in the aggregate be reduced by an amount the capital value whereof is equal to the amount of any superannuation contributions returned to the officer and either not paid to the compensating authority or repaid by the compensating authority to the officer, the compensation under each such regulation being reduced in proportion to the capital value of each amount.

(5) This regulation shall apply in the case of an officer who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, but the annual sum payable to a widow, child or other dependant of such an officer shall be a sum which bears to the sum which would have been payable under paragraph (2) of this regulation had the claim been in respect of loss of employment, the same ratio as the amount by which the officer's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments :

Provided that no sum shall be payable under this paragraph if this ratio is less than  $2\frac{1}{2}$  per cent.

(6) In this regulation "prescribed proportion" means the proportion which, under the pension scheme to which the officer was subject immediately prior to the loss of employment or diminution of emoluments, the pension payable to a widow, child or other dependant, as the case may be, bears to an officer's pension.

**25.**—(1) If the personal representatives of the officer might have become entitled to a death grant under the pension scheme to which the officer was last subject before losing his employment had such loss not occurred, they shall be entitled to receive a sum calculated in accordance with the provisions of the next succeeding paragraph, and paragraph (4) of the last preceding regulation.

(2) The amount of such sum shall be ascertained in accordance with the method of calculation prescribed by the pension scheme for the ascertainment of death grant as if the officer had died immediately before losing his employment, subject to the following modifications—

(a) except where the officer had been in receipt of retirement compensation under regulation 19 of these regulations, account shall be taken of any additional years of service or period of contribution credited to the officer under regulation 23(2) of these regulations—

(i) in the case of an officer who had been in receipt of retirement compensation under regulation 18 of these regulations, to the extent of the period between the loss of employment and the date of the claim made under that regulation, and

(ii) in any other case, to the extent of the period between the loss of employment and the officer's death ;

(b) if the number of years of the officer's service or period of contribution is less than the minimum number of years of qualifying service or period prescribed by the pension scheme for the receipt of a death grant, the said sum shall not exceed such proportion of the death grant calculated as aforesaid as the number of years of the claimant's qualifying service or period of contribution bears to the minimum number of years of qualifying service or period required by the pension scheme ; and

(c) there shall be deducted from such sum the amount of any retirement compensation paid to the officer under regulation 18, 19 or 20 of these regulations, or where any part of the compensation has been surrendered under regulation 23(5) of these regulations, the amount which would have been so paid but for any such surrender.

(3) For the purpose of calculating such death grant an annual sum payable to or for the benefit of a widow, child or other dependant under the last preceding regulation shall be deemed to be a pension payable to or for the benefit of the widow, child or dependant, as the case may be.

(4) This regulation shall apply in the case of an officer who has suffered a diminution of emoluments with the substitution of references to diminution of emoluments for references to loss of employment, but the sum payable to the personal representatives of such an officer shall be a sum which bears to the sum which would have been payable under paragraph (1) of this regulation had the claim been in respect of loss of employment the same ratio as the amount by which the officer's net emoluments have been diminished (calculated as an annual rate) bears to the amount of his net emoluments :

Provided that no sum shall be payable to personal representatives under this paragraph if this ratio is less than  $2\frac{1}{2}$  per cent.

**26.**—(1) If no annual sum is payable to the widow, child or other dependant under regulation 24 of these regulations and no sum is payable under the last preceding regulation and the officer dies before he has received in the aggregate by way of retirement compensation a sum equivalent to the amount of any contributions repaid by him under regulation 23(1) of these regulations, together with compound interest thereon calculated at the rate of 3 per cent. per annum with half-yearly rests up to the date of his death as from the 1st April or the 1st October following the half year in which the amount was paid, there shall be paid to his personal representatives the difference between the aggregate amount received by way of retirement compensation as aforesaid and the said equivalent sum.

(2) If an annual sum becomes payable to a widow under regulation 24 of these regulations and on her re-marriage or death the sum ceases to be payable, and the aggregate amount of the payments which were made to her as aforesaid, to her husband by way of retirement compensation and to his personal representatives under regulation 25 of these regulations is less than a sum equivalent to the amount which would have been payable to the personal representatives under that regulation if no annual sum had been payable to the widow under the said regulation 24, there shall be paid to her or her personal representatives the difference between such aggregate amount and the said equivalent sum.

(3) For the purposes of this regulation an officer who has surrendered any part of his retirement compensation under regulation 23(5) of these regulations shall be deemed to have received during any period the amount of compensation for that period which he would have received but for any such surrender.

*Deduction of outstanding additional contributory payments*

27. There shall be deducted from the retirement compensation payable to any person any additional contributory payments remaining unpaid at the date when he suffered loss of employment; and any such payments not recovered at the date of his death shall be deducted from any compensation payable in respect of the person under regulation 24, 25 or 26 of these regulations.

*Calculation of compensation where superannuation benefit is payable*

28. Where an officer to whom this Part of these regulations applies, or his widow, child or other dependant or personal representative has become entitled to any superannuation benefit under a pension scheme associated with the employment which the officer has lost, the retirement compensation payable to the officer, or the compensation payable in respect of the officer under regulations 24, 25 and 26 of these regulations shall be calculated in the first place as if the said superannuation benefit had not been payable but—

- (a) compensation by way of annual amounts shall be reduced by the annual amount of any such superannuation benefit as is payable periodically, and
- (b) compensation payable as a lump sum shall be reduced by the amount of any such superannuation benefit payable as a lump sum.

*Compensation payable to non-pensionable officer on attainment of normal retiring age*

29.—(1) In the case of an officer who is not a pensionable officer, the compensating authority may, on his attaining normal retiring age, if they are satisfied that he would in the normal course have continued in the employment he has lost for a substantial period beyond that age, continue to pay compensation to him for the remainder of his life at half its former rate.

(2) In the case of an officer who is not a pensionable officer and who suffers loss of employment on or after attaining normal retiring age, the compensating authority may, if they are satisfied that he would in the normal course have continued in the employment he has lost for a further substantial period, pay compensation to him for the remainder of his life at half the rate to which he would have been entitled under regulation 15 of these regulations had he not attained normal retiring age at the date on which he lost his employment.

*Persons subject to policy schemes*

30.—(1) Except in relation to any accrued pension, accrued retiring allowance, accrued incapacity pension or accrued incapacity retiring allowance attributable to service as a contributory employee or local Act contributor, the provisions of regulations 18, 19, 20 and 21 of these regulations shall not apply to a person who had been participating in a scheme associated with his employment for providing superannuation benefits by means of contracts or policies of insurance, and who, after the loss of his employment or the diminution of his emoluments, continued to participate in that scheme, or became entitled to a benefit or prospective benefit thereunder other than a return of contributions.

(2) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who has lost his employment, the compensating authority may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as will

secure that his benefits under the scheme are increased to an extent actuarially equivalent to that by which similar amounts of retirement compensation could be increased under regulation 23(2) or (4) of these regulations.

(3) If the claimant is such a person as is mentioned in paragraph (1) of this regulation who has suffered a diminution of his emoluments, the compensating authority may, if the relevant scheme so permits, make such payments to or in respect of him, whether by way of the payment of premiums or otherwise, as will secure to the claimant the like benefits under the scheme as if his emoluments had not been diminished.

(4) If the claimant is such a person as aforesaid and he becomes entitled to a benefit under such a scheme as is mentioned in paragraph (1) of this regulation before reaching normal retiring age, the compensating authority may reduce any long-term compensation payable to him under Part IV of these regulations by the amount of such benefit.

#### *Intervals for payment of compensation under Part V*

31. Retirement compensation and other compensation awarded as annual sums under this Part of these regulations shall be payable at intervals equivalent to those at which the corresponding benefit would have been payable under the pension scheme to which the claimant was subject prior to the loss of employment or diminution of emoluments or at such other intervals as may be agreed between the recipient and the compensating authority.

### PART VI

#### ADJUSTMENT, REVIEW AND COMPOUNDING OF COMPENSATION

##### *Adjustment of compensation where superannuation benefit is also payable*

32.—(1) Where any period of service of which account was taken in calculating the amount of any compensation payable under Part IV or V of these regulations is also taken into account for the purpose of calculating the amount of any superannuation benefit payable to or in respect of the officer in accordance with a pension scheme associated with an employment undertaken subsequent to the loss of employment or diminution of emoluments which was the subject of the claim for compensation, the compensating authority may adjust the compensation in accordance with this regulation by withholding or reducing the amount of compensation payable in respect of any period for which such a superannuation benefit is being received.

(2) If the part of any superannuation benefit by way of annual amounts which is attributable to a period of service mentioned in paragraph (1) of this regulation equals or exceeds the part of any compensation by way of annual amounts which is attributable to the same period, that part of the compensation may be withheld, but if such part of the superannuation benefit is less than such part of the compensation, the compensation may be reduced by an amount not exceeding such part of the superannuation benefit.

(3) In the case of a death benefit payable to the personal representatives of the officer, the sum payable to the personal representatives under regulation 25 of these regulations may be reduced by an amount not greater than the proportion of the death benefit which the period of service mentioned in paragraph (1) of this regulation bears to the total period of service of which account was taken in the calculation of the death benefit.

(4) In addition to any reduction authorised by paragraph (2) or (3) of this regulation, if, in the circumstances mentioned in paragraph (1) of this regulation, compensation by way of annual amounts is attributable in part to any provision of the relevant pension scheme for a minimum benefit, the compensation may be reduced by an amount not exceeding that part.

(5) Where any additional years of service or period of contribution have been credited to a claimant under regulation 23(2) of these regulations, if the number of such years or such period is equal to or less than the period spent in the subsequent employment mentioned in paragraph (1) of this regulation, the compensation by way of annual amounts may be reduced (in addition to any other reduction authorised by this regulation) by an amount not exceeding that attributable to the additional years or period so credited, or if the number of such years or such period is greater than the period spent in the subsequent employment, by such proportion of that amount as the period spent in the subsequent employment bears to the number of additional years or the period so credited.

(6) Where compensation has been calculated in accordance with regulation 22 of these regulations, the provisions of this regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled on entering the new employment referred to in the said regulation 22.

(7) Where compensation is payable in respect of diminution of emoluments, the provisions of this regulation shall apply only in relation to such part (if any) of the superannuation benefit as is attributable to annual emoluments in excess of those to which the officer was entitled immediately prior to the diminution.

#### *Reduction of compensation in certain cases*

33. If under the pension scheme to which a person was subject before losing his employment or suffering a diminution of emoluments any benefit for which the scheme provided would have been subject to reduction or suspension on his taking up other specified employment, any retirement compensation to which the person is entitled for loss of employment or diminution of emoluments shall, where such employment is taken up, be reduced or suspended in the like manner and to the like extent.

#### 34. Where—

- (a) a pensionable officer after suffering loss of employment or diminution of emoluments enters any employment referred to in regulation 22 of these regulations or becomes entitled to any superannuation benefit on ceasing to hold such employment, or
- (b) a person entitled to long-term compensation enters employment the remuneration whereof is payable out of public funds, or ceases to hold such employment, or receives any increase in his remuneration in such employment, or
- (c) a person entitled to retirement compensation enters employment in which the compensation is subject to reduction or suspension under regulation 33 of these regulations, or ceases to hold such employment, or receives any increase in his remuneration in such employment,

he shall forthwith inform the compensating authority in writing of that fact.

#### *Review of award of long-term or retirement compensation*

35.—(1) The compensating authority shall, within a period of two years after the date on which any decision on a claim for long-term or retirement compensation for loss of employment (other than compensation payable under regulation 19 of these regulations) is notified to a claimant under regulation 37 of these regulations, review their decision or, where the claim has been the subject of an appeal, the decision of the tribunal at intervals of not more than six months, and these regulations shall apply in relation to any such review as they apply in relation to the initial determination of the

claim ; and on such review, in the light of any material change in the circumstances of the case, compensation may be awarded, or compensation previously awarded may be increased, reduced or discontinued, subject to the limits set out in these regulations.

(2) The claimant may require the compensating authority to carry out the review mentioned in the last foregoing paragraph at any time within the period of two years mentioned in that paragraph if he considers that there has been a change in the circumstances of his case which is material for the purposes of these regulations.

(3) The compensating authority shall carry out a review in accordance with paragraph (1) of this regulation, notwithstanding the expiration of the period mentioned in that paragraph if—

(a) the emoluments of employment or work undertaken in place of the employment which has been lost had been taken into account in determining the amount of any compensation awarded, and

(b) such employment or work has been lost or the emoluments thereof reduced otherwise than by reason of misconduct or incapacity to perform such duties as the claimant might reasonably have been required to perform, and

(c) the compensating authority is satisfied that such loss or reduction is causing hardship to the claimant,

and where any decision is so reviewed, the decision shall be subject to further review in accordance with paragraph (1) of this regulation as if the review carried out under this paragraph had been the initial determination of the claim.

(4) Paragraphs (1) and (2) of this regulation shall apply in relation to any decision on a claim for long-term or retirement compensation in respect of diminution of emoluments as they apply in respect of any decision mentioned in the said paragraph (1) :

Provided that—

(i) no review shall take place after the date on which the claimant ceases to hold the employment in which his emoluments were diminished, except a review as at that date ; and

(ii) while the claimant continues to hold that employment there shall be no limit to the period within which a review may take place.

(5) Notwithstanding anything contained in the foregoing provisions of this regulation, the compensating authority shall review a decision (whether of the authority or the tribunal) on a claim for long-term compensation for loss of employment or diminution of emoluments after the expiration of any period within which a review is required to be made if at any time—

(a) the claimant is engaged in employment (hereinafter referred to as his "current employment") the remuneration whereof is payable out of public funds and which he has undertaken in place of the employment he has lost or, as the case may be, the employment in which his emoluments were diminished, and

(b) the aggregate of the net emoluments of his current employment and the long-term compensation payable to him exceed the net emoluments of the employment he has lost or, as the case may be, the amount of his net emoluments prior to their diminution,

and the authority shall thereafter further review such decision whenever the net emoluments of the claimant's current employment are increased ; but

if on any such review the compensation is reduced, it shall not be reduced below the amount by which the net emoluments of the claimant's current employment fall short of the net emoluments of the employment he has lost or, as the case may be, the amount of his net emoluments prior to their diminution.

(6) The compensating authority shall give to a claimant not less than fourteen days notice of any review to be carried out under this regulation otherwise than at his request.

(7) Nothing in this regulation shall preclude the making of any adjustment of compensation required by regulation 32 or 33 of these regulations.

#### *Compounding of awards*

**36.—(1)** In a case where an annual sum which has been or might be awarded under these regulations does not exceed £26, the compensating authority may, at their discretion, compound their liability in respect thereof by paying a lump sum equivalent to the capital value of the annual sum, and if any lump sum payment has been or might be awarded in addition to such annual sum under regulation 18, 19, 20 or 21 of these regulations, the compensating authority may likewise discharge their liability in respect thereof by an immediate payment.

(2) In any other case the compensating authority may, if the person who has been awarded long-term or retirement compensation requests them to do so and they, in their discretion, after having regard to the state of health of that person and the other circumstances of the case, deem fit, compound up to one quarter of their liability to make payments under the award (other than payments to a widow, child or other dependant under regulation 24 of these regulations) by the payment of an equivalent amount as a lump sum or, where any compensation has been awarded as a lump sum, by increasing that compensation to such equivalent amount; and in calculating for this purpose the liability of the authority to make payments, account shall be taken of the annual value of lump sum payments of compensation.

(3) The making of a composition under paragraph (2) of this regulation in relation to an award of long-term or retirement compensation shall not prevent the subsequent making of a composition under paragraph (1) of this regulation in relation to that award, but, subject as aforesaid, not more than one composition may be made in relation to any award.

### PART VII

#### PROCEDURE AND MISCELLANEOUS

##### *Procedure on making claims*

**37.—(1)** Every claim for compensation under these regulations and every request for a review of an award of long-term or retirement compensation shall be made in accordance with the provisions of this regulation.

(2) Every such claim and request shall be made to the compensating authority in a form approved by the Minister for the purpose and shall state whether any other claim for compensation has been made by the claimant under these regulations.

(3) Resettlement compensation shall be claimed separately from any other form of compensation claimable under these regulations.

(4) The compensating authority shall consider any such claim or request in accordance with the relevant provisions of these regulations and shall notify the claimant in writing of their decision—



- (a) in the case of a claim for resettlement compensation, not later than one month after the receipt of the claim, and
- (b) in the case of a claim for, or request for the review of an award of, compensation under Part IV or Part V of these regulations, not later than thirteen weeks after the receipt of the claim or request, and
- (c) in any other case, as soon as may be after the decision.

(5) Every notification of a decision by the compensating authority (whether granting or refusing compensation or reviewing an award, or otherwise affecting any compensation under these regulations) shall contain a statement—

- (a) giving reasons for the decision ;
- (b) showing how any compensation has been calculated and, in particular, if the amount is less than the maximum which could have been awarded under these regulations, showing the factors taken into account in awarding that amount ; and
- (c) directing the attention of the claimant to his right, if he is aggrieved by the decision, to refer the matter to the tribunal, and giving him the address of the office to which the reference should be sent.

#### *Claimants to furnish information*

38.—(1) Any person claiming or receiving compensation or whose award of compensation is being reviewed shall furnish all such information as the compensating authority or the tribunal may at any time reasonably require ; and shall verify the same in any such manner, including the production of books or of original documents in his possession or control, as may be reasonably so required.

(2) Any such person as aforesaid shall, on receipt of reasonable notice, present himself for interview at any such place as the compensating authority or the tribunal may reasonably require.

(3) Any person who attends for interview as aforesaid may, if he so desires, be represented by his adviser.

#### *Procedure on death of claimant*

39.—(1) In the event of the death of a claimant or of a person who, if he had survived, could have been a claimant, the claim for compensation under these regulations may be continued or made (as the case may be) by his personal representative.

(2) Where any such claim is continued or made as aforesaid by a personal representative, the personal representative shall, as respects any steps to be taken or thing to be done by him in order to continue or make the claim, be deemed for the purposes of these regulations to be the claimant, but, save as aforesaid, the person in right of whom he continues or makes the claim shall be deemed for all the purposes of these regulations to be the claimant, and the relevant provisions of these regulations shall be construed accordingly :

Provided that the compensating authority may in any such case extend the period within which a claim is required to be made by regulation 7 or 13 of these regulations.

#### *Calculation of service*

40.—(1) For the purpose of determining the amount of any compensation payable in respect of the loss of an office to which, or of any two or more offices to which in the aggregate, an officer devoted substantially the whole of his time, any previous period of part-time employment shall be treated

as though it were whole-time employment for a proportionately reduced period.

(2) For the purpose of making any calculation under these regulations in respect of the reckonable service of an officer, all periods of such service shall be aggregated, and if the aggregated service includes a fraction of a year, that fraction shall, if it equals or exceeds six months, be treated as a year, and in any other case be disregarded.

#### *Temporary variation of emoluments*

41. In calculating for the purposes of these regulations the amount of any emoluments lost, or the amount by which any emoluments have been diminished, on or after 1st April 1965, and in determining the net emoluments, the accrued pension or the accrued retiring allowance of any officer who has suffered such a loss or diminution, no account shall be taken of any increase or decrease in the amount of the officer's emoluments which is attributable to any sum paid or reduction made under Article 4 of the London Authorities (Interim Action) Order 1964(a), or of any increase in such amount which is attributable to any temporary allowance granted in consequence of the Act and otherwise than in the ordinary course of his employment.

#### *Emoluments of part-time employments*

42. In ascertaining for the purposes of these regulations whether, and how far, the remuneration of alternative employment falls short of emoluments which have been lost where those emoluments were payable in respect of two or more part-time employments, the remuneration of the alternative employment or of the aggregate of two or more such employments shall be apportioned in the proportion which the emoluments of the part-time employments bore to each other.

#### *Compensation not assignable*

43.—(1) Subject to any statutory provision in that behalf, any compensation to which an officer becomes entitled under these regulations shall be paid by the compensating authority and shall be payable to, or in trust for, the person who is entitled to receive it, and shall not be assignable.

(2) Any sum payable as compensation to a person by a compensating authority shall be recoverable as a debt due from the authority.

#### *Right of appeal from decision of the compensating authority*

44.—(1) Every claimant who is aggrieved by any decision of the compensating authority with respect to compensation under these regulations or by any failure on the part of the compensating authority to notify him of any such decision within the appropriate time prescribed by these regulations may within three months of the notification to him of the decision or the expiry of the prescribed time, as the case may be, refer the matter to the tribunal.

(2) Reference of a matter to the tribunal as aforesaid by a claimant shall be made in writing.

(3) On receipt of such a reference, the tribunal shall consider and determine the matter in accordance with the provisions of these regulations and the compensating authority shall give effect to the decision of the tribunal with any modifications that may be required in consequence of any appeal from the decision on a point of law.

(4) On any such reference the tribunal may if it thinks fit, appoint a person having special knowledge or experience in relation to the subject matter of the reference to sit with the tribunal as an assessor.

*Application of payments*

45. Any sums paid to a compensating authority under regulation 23(1) of these regulations in respect of returned contributions shall, except in so far as they are repaid to the officers concerned, be applied for the payment of compensation which the authority are liable to pay under Part V of these regulations.

Given under the official seal of the Minister of Housing and Local Government on 10th December 1964.

(L.S.)

*R. H. S. Crossman,*  
Minister of Housing and Local Government.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

1. These regulations made under section 85(4) of the London Government Act 1963 provide for the payment of compensation to or in respect of local authority employees who suffer loss of employment or loss or diminution of emoluments which is attributable to the reorganisation of local government in Greater London brought about by the Act or by any instrument made under the Act.

2. Part I of the regulations contains definitions. Part II specifies the persons to whom the regulations apply and the grounds of entitlement to compensation. The regulations apply to persons employed whole-time or part-time by local authorities (except clerks and deputy clerks of the peace and persons subject to the Firemen's Pension Scheme) and to certain other officials, such as registration officers and public analysts, liable to be affected by the alteration of local authority areas.

3. The compensation payable is—

- (a) resettlement compensation for loss of employment (Part III of the regulations);
- (b) long-term compensation for loss of employment or loss or diminution of emoluments (Part IV);
- (c) retirement compensation for loss of employment or loss or diminution of emoluments (Part V);
- (d) compensation to the widow, child or other dependant and personal representative of a claimant who was a pensionable officer (Part V).

4. Resettlement compensation is payable for a period not exceeding 26 weeks to officers with at least 3 years' service in local government and other relevant employments. The qualifying conditions and factors to be considered are set out in regulations 7, 9, 10 and 11. The method of calculating the amount of compensation is contained in regulation 8.

5. Long-term and retirement compensation are payable to officers with at least 8 years' service in local government and other relevant employments. The qualifying and other conditions are set out in regulations 12 to 14.

6. The method of calculating the maximum amount of long-term compensation is laid down in regulations 15 (loss of employment) and 16 (diminution of emoluments). It is a proportion, not exceeding two thirds,

of the net emoluments lost or of the amount by which emoluments have been diminished, as the case may be. This compensation is payable from a date determined under regulation 17 and can be payable up to normal retiring age.

7. Retirement compensation for loss of employment payable to a pensionable officer is based upon his accrued pension rights (regulation 20) supplemented in the case of persons aged 40 or over at the date of loss by the addition of notional years of service (regulation 23). Retirement compensation for diminution of emoluments is an appropriate proportion of that for loss of employment (regulation 21). In the case of a non-pensionable officer compensation not exceeding one half of the rate of long-term compensation may be paid (regulation 29) and special provision is made for any persons whose pension arrangements are by way of policies of insurance (regulation 30). Retirement compensation is ordinarily payable from normal retiring age but in certain circumstances may be put into payment earlier (regulations 18 and 19).

8. Compensation is payable to the widow, child or other dependant and the personal representative of a claimant who dies where such persons would have benefited under the relevant pension scheme (regulations 24 to 26).

9. Part VI of the regulations provides for long-term and retirement compensation to be reviewed and for awards to be varied in the light of changes in circumstances (regulation 35). It also contains provisions for the adjustment, suspension and compounding of compensation in certain circumstances.

10. Part VII contains provisions relating to the procedure for making claims and notifying decisions and to appeals by claimants who are aggrieved by a decision or the failure of a compensating authority to notify their decision. Appeals lie to a tribunal appointed by the Minister of Labour.

1964 No. 1958

## ROAD TRAFFIC

**The Motor Vehicles (Construction and Use) (Amendment)  
(No. 4) Regulations 1964**
*Made* - - - - 10th December 1964*Laid before Parliament* 21st December 1964*Coming into Operation* 7th January 1965

The Minister of Transport, in exercise of his powers under section 64(1) of the Road Traffic Act 1960(a), as amended by section 51 of and Schedule 4 to the Road Traffic Act 1962(b), and under section 72(5) of the said Act of 1960 and of all other powers him enabling in that behalf, and after consultation with representative organisations in accordance with the provisions of section 260(2) of the said Act of 1960, hereby makes the following Regulations :—

1.—(1) These Regulations shall come into operation on the 7th January 1965, and may be cited as the Motor Vehicles (Construction and Use) (Amendment) (No. 4) Regulations 1964.

(2) The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2. The Motor Vehicles (Construction and Use) Regulations 1963(d), as amended(e), shall be further amended in accordance with the following provisions of these Regulations.

3. Regulation 5 (Application and Exemptions) shall have effect as though, in paragraph (1), sub-paragraph (b) were omitted.

4. Regulation 14 (Diameter of Wheels) shall have effect as though at the end of the proviso there were inserted the following sub-paragraph :—

“ or

(j) to any electrically propelled goods vehicle the unladen weight of which does not exceed 25 hundredweight.”

5. Regulation 17 (Mirrors) shall have effect as though in paragraph (1)—

(a) after sub-paragraph (a) there were inserted the following sub-paragraph :—

“(aa) every land tractor shall be equipped with a mirror fitted externally on the off-side of the tractor and so constructed and fitted to the tractor as to assist the driver, if he so desires, to become aware of traffic on that side rearwards, unless he can easily obtain a clear view of traffic to the rear (including traffic to the rear of any trailer being drawn) without having any mirror fitted to the tractor ; and ”,

and

(b) in sub-paragraph (b), for the word “ sub-paragraph ” there were substituted the word “ sub-paragraphs ”.

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(a) 8 & 9 Eliz. 2. c. 16.

(b) 10 & 11 Eliz. 2. c. 59.

(c) 52 & 53 Vict. c. 63.

(d) S.I. 1963/1646 (1963 III, p. 3095).

(e) There are no relevant amending instruments.

6. Regulation 48 (Tyres) shall have effect as though in paragraph (2) after sub-paragraph (c) there were added the following sub-paragraph:—

“ and

(d) electrically propelled goods vehicles the unladen weight of which does not exceed 25 hundredweight.”.

7. Regulation 110 (Attendants on trailers) shall have effect as though at the end of paragraph (1) there were inserted the following sub-paragraph:—

“ or

(n) in the case of any locomotive propelled by the combustion of liquid fuel or by electrical power and not drawing a trailer or trailers.”.

Given under the Official Seal of the Minister of Transport the 10th December 1964.

(L.S.)

*Tom Fraser,*  
The Minister of Transport.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations further amend the Motor Vehicles (Construction and Use) Regulations 1963. The principal changes are as follows:—

1. Electrically propelled goods vehicles having an unladen weight of not more than 25 hundredweight are exempted from the requirements of the 1963 Regulations relating to the minimum diameter of wheels fitted with tyres other than pneumatic tyres (Regulation 4).

2. Electrically propelled goods vehicles having an unladen weight of more than 1 ton but not more than 25 hundredweight may have their wheels fitted with either a tyre of soft or elastic material or a pneumatic tyre (Regulation 6).

3. The conditions are specified in which a land tractor is required to be fitted with a mirror (Regulation 5).

4. Specified locomotives are exempted from the requirements with regard to the employment of an attendant (Regulation 7).

1964 No. 1959

**HARBOURS, DOCKS, PIERS AND FERRIES**
**The National Ports Council Provision of Funds Scheme 1964  
(Confirmation) Order 1964**

<i>Made</i> . . . . .	10th December 1964
<i>Laid before Parliament</i>	21st December 1964
<i>Coming into Operation</i>	22nd December 1964

The Minister of Transport (hereinafter referred to as "the Minister") in exercise of the powers conferred upon him by section 4(5) of the Harbours Act 1964(a) (hereinafter referred to as "the Act") and of all other enabling powers hereby makes the following Order:—

1.—(1) The Minister hereby confirms, with modifications made after consultation with the National Ports Council, the scheme for the imposition by that Council of charges on harbour authorities made and submitted to him by that Council in pursuance of section 4(1) of the Act.

(2) The scheme as so confirmed with the said modifications is set out in the Schedule to this Order and shall come into force on the date specified in Article 2(1) of this Order.

2.—(1) This Order may be cited as the National Ports Council Provision of Funds Scheme 1964 (Confirmation) Order 1964 and shall come into operation on the 22nd December 1964.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Given under the Official Seal of the Minister of Transport the 10th December 1964.

(L.S.)

*Tom Fraser,*  
The Minister of Transport.

## SCHEDULE

## NATIONAL PORTS COUNCIL

## SCHEME UNDER SECTION 4 OF THE HARBOURS ACT 1964

The National Ports Council, in exercise of their powers under section 4 of the Harbours Act 1964, hereby make the following scheme:—

1. This scheme may be cited as the National Ports Council Provision of Funds Scheme 1964.

(a) 1964 c. 40.

(b) 52 &amp; 53 Vict. c. 63.

**2.—(1) In this scheme:—**

“ the Act ” means the Harbours Act 1964;

“ the Council ” means the National Ports Council;

“ the Council’s expenditure ” means any expenditure incurred, or to be incurred, by the Council in respect of the matters included in section 4 (1) of the Act;

“ the first accounting period ” means the period beginning on 15th June 1964 and ending on 31st December 1964;

“ the harbour authorities ” means the harbour authorities specified in column (1) of the table set out in the schedule to this scheme;

“ the relevant percentage ” means, in relation to each of the harbour authorities, the percentage specified in column (2) of the table set out in the schedule to this scheme opposite the name of that authority in column (1) of that table;

“ the second accounting period ” means the year beginning on 1st January 1965.

(2) The Interpretation Act 1889 applies to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament.

**3.** The Council shall as soon as may be estimate the amount which (having regard to article 5 of this scheme) should be raised by charges under this scheme in the first accounting period to enable the Council to meet the Council’s expenditure insofar as it cannot be met by revenue accruing to them in consequence of the exercise of powers conferred by provisions of the Act other than section 4 thereof and, subject to the provisions of this scheme, shall issue to each of the harbour authorities a demand for payment of a charge equal to the relevant percentage of the amount estimated under this article.

**4.** Before the beginning of the second accounting period or, if that is not possible, as soon as practicable after the beginning thereof, the Council shall estimate the amount which (having regard to article 5 of this scheme) should be raised by charges under this scheme in that period to enable the Council to meet the Council’s expenditure insofar as it cannot be met by revenue accruing to them in consequence of the exercise of powers conferred by provisions of the Act other than section 4 thereof and, subject to the provisions of this scheme, shall issue to each of the harbour authorities a demand for payment of a charge equal to the relevant percentage of the amount estimated by the Council under this article.

**5.—(1)** The amount to be raised by the Council by means of charges under this scheme to meet expenditure incurred or to be incurred by them during the first accounting period shall not exceed £75,000.

(2) The amount to be raised by the Council by means of charges under this scheme to meet expenditure to be incurred by them during the second accounting period shall not exceed £200,000.

**6.** If any charge calculated in accordance with article 3 or article 4 of this scheme shall not be a whole number of pounds the fraction of a pound shall be ignored.

**7.—(1)** Each of the harbour authorities shall pay the charge for which a demand is issued to them under article 3 of this scheme forthwith upon receipt of the demand.

(2) Each of the harbour authorities shall pay the charge for which a demand is issued to them under article 4 of this scheme either, at their option, by one



lump sum payment to be made forthwith upon receipt of the demand or by four equal instalments the first to be paid forthwith upon receipt of the demand and the subsequent instalments to be paid not later than, respectively, 1st April, 1st July and 1st October 1965.

8.—(1) A demand for payment issued by the Council to any of the harbour authorities under the provisions of this scheme shall be duly served on that authority if it is sent by post by means of the recorded delivery service to their clerk or secretary.

(2) For the purposes of this article and of section 26 of the Interpretation Act 1889 in its application to this article the proper address of the clerk or secretary of a harbour authority shall be the registered or principal office of that authority.

### SCHEDULE

(1) Harbour Authority	(2) Relevant Percentage
Aberdeen Harbour Board	0.465
Ardrossan Harbour Company	0.183
Blyth Harbour Commission	0.600
Port of Boston Authority	0.122
Port of Bristol Authority	3.123
British Transport Docks Board	25.000
Cattewater Harbour Commission	0.030
Chichester Corporation	0.030
Clyde Navigation Trust	3.966
Colchester Corporation	0.051
Dartmouth Harbour Commission	0.018
Dover Harbour Board	0.643
Dundee Harbour Trust	0.629
Exeter Corporation	0.035
Falmouth Docks and Engineering Company	0.135
Falmouth Harbour Commission	0.043
Felixstowe Dock and Railway Company	0.087
Forth Conservancy Board	0.073
Fowey Harbour Commission	0.057
Granton Harbour Limited	0.170
Great Yarmouth Port and Haven Commission	0.143
Greenock Harbour Trust	0.371
Hartlepool Port and Harbour Commission	0.087
Harwich Harbour Conservancy Board	0.073
Humber Conservancy Board	0.564
Ipswich Dock Commission	0.182
King's Lynn Conservancy Board	0.065
Lancaster Port Commission	0.026
Leith Dock Commission	0.664
Port of London Authority	25.000
Manchester Ship Canal Company	3.531
Medway Conservancy Board	0.509
Mersey Docks and Harbour Board	25.000
Milford Docks Company	0.030
Milford Haven Conservancy Board	0.376

(1) Harbour Authority	(2) Relevant Percentage
Newcastle upon Tyne Corporation	0.113
Newport Harbour Commission	0.026
Port of Par Limited	0.083
Perth Corporation	0.022
Poole Harbour Commission	0.039
Portsmouth Corporation	0.030
Port of Preston Authority	0.474
Ramsgate Corporation	0.030
Seaham Harbour Dock Company	0.152
Shoreham Harbour Trust	0.147
Southampton Harbour Board	1.237
Sutton Harbour Improvement Company	0.018
Tees Conservancy Commissioners	1.577
Teignmouth Harbour Commission	0.018
Torquay Corporation	0.018
Truro Corporation	0.026
Tyne Improvement Commission	2.579
Warkworth Harbour Commission	0.030
River Wear Commissioners	0.795
Weymouth Corporation	0.083
Whitehaven Harbour Commission	0.087
Workington Harbour and Dock Company Limited	0.174

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

By this Order the Minister of Transport confirms a Scheme made and submitted to him by the National Ports Council under section 4 of the Harbours Act 1964, for imposing on harbour authorities charges to provide funds for the Council for the purposes mentioned in section 4(1). The Scheme is confirmed subject to modifications made by the Minister after consulting the Council and as so confirmed is set out in the Schedule.

1964 No. 1962

SEA FISHERIES

**The Salmon and Migratory Trout (Drift-net Fishing)  
Restrictions on Landing (Extension) Order 1964**

<i>Made</i> - - - -	9th December 1964
<i>Laid before Parliament</i>	17th December 1964
<i>Coming into Operation</i>	15th February 1965

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively) in exercise of the powers conferred on them by section 2 as read with section 8(1) of the Sea-Fishing Industry Act 1933(a) as amended by section 39(2) of the Sea Fish Industry Act 1938(b) and as read with and amended by section 12 of the Sea Fish Industry Act 1962(c) and of all other powers enabling them in that behalf, after consultation with the Minister of Transport hereby make the following order:—

*Citation and Commencement*

1. This order may be cited as the Salmon and Migratory Trout (Drift-net Fishing) Restrictions on Landing (Extension) Order 1964 and shall come into operation on 15th February 1965.

*Interpretation*

2.—(1) In this order—

“ the principal order ” means the Salmon and Migratory Trout (Drift-net Fishing) Restrictions on Landing Order 1962(d).

(2) The Interpretation Act 1889(e) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

*Extension of Period*

3. Article 3 of the principal order shall be read and construed as if for the date 15th February 1965 there were substituted the date 15th February 1966.

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(a) 23 & 24 Geo. 5. c. 45.  
(c) 10 & 11 Eliz. 2. c. 31.  
(e) 52 & 53 Vict. c. 63.

(b) 1 & 2 Geo. 6. c. 30.  
(d) S.I. 1962/1394 (1962 II, p. 1522).

*Variation of defined waters*

4. Article 4 of the principal order shall be read and construed as if for the references to River Board waters there were substituted references to territorial waters adjacent to England and Wales.

In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereto affixed on 8th December 1964.

(L.S.)

*Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 8th December 1964.

(L.S.)

*William Ross,*  
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 9th December 1964.

*Frank Soskice,*  
Secretary of State for the Home Department.

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**EXPLANATORY NOTE**

*(This Note is not part of the order, but is intended to explain its purport.)*

The operation of the Salmon and Migratory Trout (Drift-net Fishing) Restrictions on Landing Order 1962 is extended for one year from 15th February 1965.

The waters from which salmon may be taken by drift-net under the authority of a River Board licence and legally landed are now expressed as "territorial waters adjacent to England and Wales" instead of "River Board waters"; the alteration is necessary in order to take account of the effect of the Fishery Limits Act 1964, which extends outside territorial waters the jurisdiction of River Boards for the purposes of their fisheries functions.

1964 No. 1963

SEA FISHERIES

**The Salmon and Migratory Trout (Drift-net Fishing)  
Licensing (Extension) Order 1964**

<i>Made</i> - - - -	9th December 1964
<i>Laid before Parliament</i>	17th December 1964
<i>Coming into Operation</i>	15th February 1965

The Minister of Agriculture, Fisheries and Food, and the Secretaries of State for Scotland and the Home Department (being the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively) in exercise of the powers conferred on them by section 2 of the White Fish and Herring Industries Act 1948(a), as read with and amended by section 8 of the Sea Fish Industry Act 1959(b) and as read with and amended by section 11 of the Sea Fish Industry Act 1962(c) as amended by section 3(3) of and Schedule 1 to the Fishery Limits Act 1964(d) and of all other powers enabling them in that behalf, hereby make the following order:—

*Citation and Commencement*

1. This order may be cited as the Salmon and Migratory Trout (Drift-net Fishing) Licensing (Extension) Order 1964 and shall come into operation on 15th February 1965.

*Interpretation*

2.—(1) In this order—

“the principal order” means the Salmon and Migratory Trout (Drift-net Fishing) Licensing Order 1962(e).

(2) The Interpretation Act 1889(f) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

*Extension of Period*

3. Article 4 of the principal order shall be read and construed as if for the date 15th February 1965 there were substituted the date 15th February 1966.

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(a) 11 & 12 Geo. 6. c. 51.

(c) 10 & 11 Eliz. 2. c. 31.

(e) S.I. 1962/1393 (1962 II. p. 1520).

(b) 8 & 9 Eliz. 2. c. 7.

(d) 1964 c. 72.

(f) 52 & 53 Vict. c. 63.

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In witness whereof the official seal of the Minister of Agriculture, Fisheries and Food is hereto affixed on 8th December 1964.

(L.S.)

*Frederick Peart,*  
Minister of Agriculture, Fisheries and Food.

Given under the seal of the Secretary of State for Scotland on 8th December 1964.

(L.S.)

*William Ross,*  
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 8th December 1964.

*Frank Soskice,*  
Secretary of State for the Home Department.

Approved, 9th December 1964.

*G. H. R. Rogers,*  
*Harriet Slater,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

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#### EXPLANATORY NOTE

*(This Note is not part of the order, but is intended to explain its purport.)*

The operation of the Salmon and Migratory Trout (Drift-net Fishing) Licensing Order 1962 (which prohibits drift-net fishing for salmon in specified waters round England and Wales except under the authority of a licence) is extended for a period of one year from 15th February 1965.

## 1964 No. 1964

## NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Travelling Allowances, etc.)  
Regulations 1964**

<i>Made</i> - - - -	10th December 1964
<i>Laid before Parliament</i>	17th December 1964
<i>Coming into Operation</i>	21st December 1964

The Minister of Health, in exercise of the powers conferred on him by sections 40(2) and 41(2) of, and paragraph 2 of Schedule 1, paragraph 2 of Part IV of Schedule 3, paragraph 3 of Schedule 5, paragraph 3 of Schedule 6, and paragraph 6 of Schedule 7 to, the National Health Service Act 1946(a), as amended by the National Health Service (Amendment) Act 1949(b) and by the Public Authorities (Allowances) Act 1961(c), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1. These regulations may be cited as the National Health Service (Travelling Allowances, etc.) Regulations 1964, and shall come into operation on 21st December 1964.

2. The Interpretation Act 1889(d) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. The Schedule to the National Health Service (Travelling Allowances, etc.) (No. 2) Regulations 1961(e) as amended (f) shall be further amended as follows:—

(1) For sub-paragraph (1) of paragraph 4 of Part II (which sub-paragraph prescribes rates for travel by private motor vehicle by members of National Health Service bodies) there shall be substituted the following:—

“(1) Subject to the provisions of this paragraph, the rate for travel by a member’s own private motor vehicle shall not exceed:—

(a) in the case of any motor car, tri-car, or motor cycle combination, or of a motor cycle exceeding 500 cubic centimetres cylinder capacity, 3½d. a mile;

(b) in the case of a motor cycle exceeding 150, but not exceeding 500, cubic centimetres cylinder capacity, 3d. a mile;

(c) in the case of a motor cycle exceeding 120, but not exceeding 150, cubic centimetres cylinder capacity, 2½d. a mile;

(d) in the case of a motor cycle not exceeding 120 cubic centimetres cylinder capacity, of an auticycle or a motor-assisted pedal cycle, 2d. a mile.”

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(a) 9 & 10 Geo. 6. c. 81.

(c) 9 & 10 Eliz. 2. c. 43.

(e) S.I. 1961/1792 (1961 III. p. 3418).

(b) 12. 13 & 14 Geo. 6. c. 93.

(d) 52 & 53 Vict. c. 63.

(f) The relevant amending instrument is S.I. 1962/2106 (1962 III. p. 2512).

(2) In sub-paragraphs (3)(a) and (4)(a) of the said paragraph 4 for the expression "3d." there shall be substituted the expression "3½d."

(3) For paragraphs 3 and 4 of Part III (which paragraphs prescribe rates of day subsistence allowances payable to members of National Health Service bodies) there shall be substituted the following paragraphs:—

"3. A day allowance in respect of duties not involving a night's absence shall be payable at the rate of 6s. 6d. when a member is necessarily absent from his home or place of business for more than five hours but for not more than eight hours, and at the rate of 14s. when his absence exceeds eight hours; and where the member orders lunch (costing 13s. 6d. or more) or dinner (costing 14s. 6d. or more) on a train or boat, or high tea (costing 10s. or more) on any train where it is offered instead of dinner, the said rates shall respectively be 11s. 3d. and 18s. 9d., or, where lunch and dinner (or high tea) are both so ordered during an absence exceeding eight hours, 23s.

4. Where the member's absence exceeds twelve hours and he had to commence his journey before he could reasonably be expected to have taken breakfast at home, the day allowance rate mentioned in the preceding paragraph may, at the discretion of the authority concerned with the payment, be increased to 20s. 6d. or, where the member orders one meal on a train or boat, to 25s. 3d., or where two or more meals are so ordered, to 29s. 6d.

For the purposes of this paragraph a meal means breakfast or high tea (costing 10s. or more), lunch (costing 13s. 6d. or more), or dinner (costing 14s. 6d. or more)."

Given under the official seal of the Minister of Health on 10th December 1964.

(L.S.)

*Kenneth Robinson,*  
Minister of Health.

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### EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These regulations vary the rates of allowances payable to members of National Health Service bodies for day subsistence and for travel by private motor vehicle as an alternative to public transport.



1964 No. 1965

## NURSES AND MIDWIVES

## The Nurses (Area Nurse-Training Committees) Order 1964

<i>Made . . . . .</i>	10th December 1964
<i>Laid before Parliament</i>	17th December 1964
<i>Coming into Operation</i>	21st December 1964

The Minister of Health, in exercise of the powers conferred on him by sections 11 and 32 of, and Schedule 2 to, the Nurses Act 1957(a), and of all other powers enabling him in that behalf, and after consultation with the General Nursing Council for England and Wales, hereby orders as follows:—

1. This order may be cited as the Nurses (Area Nurse-Training Committees) Order 1964, and shall come into operation on 21st December 1964.

2. The Interpretation Act 1889(b) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. Schedule 2 to the Nurses (Area Nurse-Training Committees) Order 1960(c) as amended (d) shall be further amended as follows:—

(1) For sub-paragraph (1) of paragraph 4 of Part II (which sub-paragraph prescribes rates for travel by private motor vehicle by members of area nurse-training committees and sub-committees) there shall be substituted the following sub-paragraph:—

“(1) Subject to the provisions of this paragraph the rate for travel by a member's own private motor vehicle shall not exceed:—

- (a) in the case of any motor car, tri-car, or motor cycle combination, or of a motor cycle exceeding 500 cubic centimetres cylinder capacity, 3½d. a mile;
- (b) in the case of a motor cycle exceeding 150, but not exceeding 500, cubic centimetres cylinder capacity, 3d. a mile;
- (c) in the case of a motor cycle exceeding 120, but not exceeding 150, cubic centimetres cylinder capacity, 2½d. a mile;
- (d) in the case of a motor cycle not exceeding 120 cubic centimetres cylinder capacity, of an auticycle or a motor-assisted pedal cycle, 2d. a mile.”

(2) In sub-paragraphs (3)(a) and (4)(a) of the said paragraph 4 for the expression “3d.” there shall be substituted the expression “3½d.”

(3) For paragraphs 3 and 4 of Part III (which paragraphs prescribe rates of day subsistence allowances payable to members of area nurse-training committees and sub-committees) there shall be substituted the following paragraphs:—

(a) 5 & 6 Eliz. 2. c. 15.  
(c) S.I. 1960/119 (1960 II, p. 2618).

(b) 52 & 53 Vict. c. 63.  
(d) The relevant amending instruments are S.I. 1961/1260, 1962/2107 (1961 II, p. 2455; 1962 III, p. 2514).

“ 3. A day allowance in respect of duties not involving a night's absence shall be payable at the rate of 6s. 6d. when a member is necessarily absent from his home or place of business for more than five hours but for not more than eight hours, and at the rate of 14s. when his absence exceeds eight hours; and where the member orders lunch (costing 13s. 6d. or more) or dinner (costing 14s. 6d. or more) on a train or boat, or high tea (costing 10s. or more) on any train where it is offered instead of dinner, the said rates shall respectively be 11s. 3d. and 18s. 9d., or, where lunch and dinner (or high tea) are both so ordered during an absence exceeding eight hours, 23s.

4. Where the member's absence exceeds twelve hours and he had to commence his journey before he could reasonably be expected to have taken breakfast at home, the day allowance rate mentioned in the preceding paragraph may, at the discretion of the authority concerned with the payment, be increased to 20s. 6d. or, where the member orders one meal on a train or boat, to 25s. 3d., or where two or more meals are so ordered, to 29s. 6d.

For the purposes of this paragraph a meal means breakfast or high tea (costing 10s. or more), lunch (costing 13s. 6d. or more), or dinner (costing 14s. 6d. or more).”

Given under the official seal of the Minister of Health on 10th December 1964.

(L.S.)

*Kenneth Robinson,*  
Minister of Health.

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### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This order varies the rates of allowances payable to members of Area Nurse-Training Committees for day subsistence and for travel by private motor vehicle as an alternative to public transport.

1964 No. 1966

## CUSTOMS AND EXCISE

**The European Free Trade Association (Origin of Goods)  
Regulations 1964**

<i>Made - - - -</i>	<i>11th December 1964</i>
<i>Laid before the House of Commons</i>	<i>30th December 1964</i>
<i>Coming into Operation</i>	<i>31st December 1964</i>

The Board of Trade, in pursuance of the powers conferred upon them by section 1(1) of the European Free Trade Association Act 1960(a), hereby make the following Regulations:—

*Application*

1. These Regulations shall apply for determining the eligibility of goods imported into the United Kingdom for any Convention rate of duty (whether chargeable on the goods as such or in respect of any article contained in them as a part or ingredient) by reason of their having been grown, produced or manufactured in, and consigned from a place in, the Convention area (hereinafter called "the area"); and goods shall not be treated for that purpose as grown, produced or manufactured in, and as consigned from a place in, the area unless the appropriate requirements of these Regulations are fulfilled in relation thereto.

*Goods to be treated as grown, produced or manufactured within Convention area*

2.—(1) Subject to the following provisions of these Regulations, goods shall be treated as grown, produced or manufactured in the area if—

- (a) they and the materials from which they have been produced or manufactured have been wholly grown, produced or manufactured, as the case may be, in the area; or
- (b) in the case of goods specified in column 1 of Schedule 1 or Schedule 2 to these Regulations, they have undergone in the area the relevant qualifying process correspondingly specified in column 2 of that Schedule and any conditions therein so specified have been fulfilled; or
- (c) in the case of goods other than those specified in column 1 of the said Schedule 2 they have undergone any operation or process of production or manufacture in the area and the value of materials imported into the area and used in the production or manufacture of the goods does not exceed 50 per cent. of the export price of those goods.

(2) For the purposes of paragraph (1) (a) or (1) (c) of this regulation, in ascertaining whether goods have undergone any operation or process of production or manufacture in the area, no account shall be taken of any of the following—

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(a) 8 & 9 Eliz. 2. c. 19.

- (a) packing, wheresoever the materials used in that operation or process have been grown, produced or manufactured,
- (b) splitting up into lots,
- (c) sorting or grading,
- (d) marking,
- (e) putting up into sets.

(3) The requirements set out in paragraph (1) (a) of this regulation shall be deemed to be fulfilled as respects goods of any of the following descriptions, that is to say—

- (a) used articles of any description, being such articles collected and last used as articles of that description in the area and in a state fit only for the recovery of materials therefrom ;
- (b) scrap or waste resulting from the carrying on in the area of any operation or process of manufacture ;
- (c) goods produced or manufactured in the area exclusively from materials as respects which, had they been imported into the United Kingdom in the state in which they were used as such materials, the requirements set out in paragraph (1) (a) of this regulation would by virtue of the foregoing provisions of this paragraph be deemed to have been fulfilled.

#### *Materials : Determination of Origin*

3.—(1) In determining for the purposes of regulation 2(1)(a) where any goods were grown, produced or manufactured, any materials of the following descriptions (wheresoever grown, produced or manufactured) used in their production or manufacture shall be deemed to be materials grown, produced or manufactured in the area, that is to say—

- (a) materials described in the Schedule 3 hereto used in the state so described ;
- (b) materials which for customs duty purposes fall to be treated as one with the goods, being packing materials, required for the transport or storage of the goods, other than materials constituting the wrappers or containers in which the goods would ordinarily be sold by retail.

(2) In determining for the purposes of regulation 2(1)(c) where any goods were grown, produced or manufactured, any materials of the following descriptions (whether or not imported into the area or containing any element so imported) used in their production or manufacture shall be deemed to be materials not imported into the area and containing no element so imported, that is to say—

- (a) materials described in heads (a) and (b) of paragraph (1) of this regulation ;
- (b) materials which, had they been imported into the United Kingdom in the state in which they were used in the production or manufacture of those goods, would have fallen to be treated under the provisions of regulation 2(1)(a) or 2(1)(b) as grown, produced or manufactured in the area.

(3) In any case in which there is insufficient information on which to determine whether or not any materials were imported into the area or contain any element so imported those materials shall be deemed to have been so imported.

*Materials : Determination of Value*

4.—(1) Whichever is appropriate of the following provisions of this regulation shall have effect for determining the value of any materials imported into the area and used in the production or manufacture of any goods.

(2) Subject to the provisions of paragraph (4) of this regulation, the value of any such materials shall be taken to be the aggregate of the following amounts, that is to say—

(a) the amount equivalent to the value attributed to those materials, on their last clearance for home use or for temporary admission, by the customs authorities of the state in whose territory they were used in the production or manufacture of the goods concerned, less that part of the cost of transport through the territory of any other state or states in the area which has been taken into account in arriving at the value attributed as aforesaid ; and

(b) in so far as it has not been taken into account in arriving at the value attributed as aforesaid, the amount equivalent to the cost of any insurance and freight on those materials (other than the cost of transport in the area).

(3) Subject to the provisions of paragraph (4) of this regulation, where it cannot be determined in accordance with paragraph (2) of this regulation, the value of any such materials shall be taken to be the amount equivalent to the purchase price paid on the earliest ascertainable sale of those materials in the territory of that state in the area in which they were used in the production or manufacture of the goods concerned.

(4) Where, in determining the value of any materials under this regulation, it appears to the Commissioners—

(a) on a determination in accordance with paragraph (2), that the value attributed to those materials at the relevant time by any customs authorities was not arrived at by reference to a sale of those materials in the open market between buyer and seller independent of each other, or

(b) on a determination in accordance with paragraph (3), that the amount taken as the price paid on a purchase of those materials at the relevant time was not paid on such a sale thereof as aforesaid,

for the value so attributed or, as the case may be, the purchase price so taken there shall be substituted the amount which, in the opinion of the Commissioners, would have been paid on a sale of those materials at the relevant time in the open market between buyer and seller independent of each other.

*Mixtures*

5.—(1) Notwithstanding the provisions of regulation 2, goods of any description shall be treated as not grown, produced or manufactured in the area if, being a mixture to which this regulation applies, any of the constituents admixed, on being separately imported into the United Kingdom, would fall to be treated under these Regulations as goods not grown, produced or manufactured in the area.

(2) This regulation applies to any mixture, not being a group, set or assembly of separable articles, resulting from the admixing together of goods of the same description whose characteristics are not essentially different, being a mixture having, as such, characteristics not essentially different from those of each of the constituents.

**Consignment**

6.—(1) Goods shall be treated as consigned from a place in the area if they are shown to the satisfaction of the Commissioners to have been consigned to the United Kingdom from such a place.

(2) Goods shall also be treated as consigned from a place in the area if it is shown to the satisfaction of the Commissioners that those goods—

(a) have been consigned from such a place to an exhibition outside the area and have been exhibited there, and

(b) are in the same state as they were when consigned to the exhibition and have not been used otherwise than for the purposes of exhibiting or demonstrating them at the exhibition since they were so consigned, and

(c) have been sold or otherwise disposed of by the consignor to a person in the United Kingdom and have been consigned from the exhibition to the United Kingdom during or immediately after the exhibition.

(3) In this regulation “exhibition” means a trade, industrial, agricultural or crafts exhibition, fair, or similar show or display, but does not include any such exhibition, fair, show or display organised for private purposes in shops or business premises with a view to the sale of goods foreign to the country where the exhibition is held.

**Natural Produce of the Sea**

7.—(1) In determining for the purposes of these Regulations where natural produce of the sea, or goods produced or manufactured therefrom at sea, are to be treated as produced or manufactured, anything done by or on board of a ship belonging to a country shall be treated as done in that country and any such produce of the sea or goods produced or manufactured therefrom at sea, if brought direct to the United Kingdom are to be deemed to be consigned from that country.

(2) For the purposes of this regulation a registered ship shall be deemed to belong to the country in which it is registered.

**Interpretation**

8.—(1) In these Regulations “export price”, in relation to any goods, means the amount equal to the value which would be attributed to those goods if any duty of customs were chargeable thereon by reference to their value, less the amount equal to any costs, charges and expenses incurred in relation to the goods after leaving the port or place of export in the territory from which they were consigned to the United Kingdom which have been included in the value attributed as aforesaid.

(2) In these Regulations, any reference to the production of goods includes a reference to the getting of minerals and the taking of animals (including fish); and any reference to materials, except in regulation 2(3)(a) includes a reference to any products, parts or components used in the production of goods.

(3) In interpreting and applying the Schedules to these Regulations—

(a) any description of goods or materials specified in column 1 or column 2 of those Schedules is to be taken to comprise all goods or materials which would be classified under a description in the same terms in the relevant heading in the Customs Tariff 1959;

(b) the introductory notes and footnotes forming part of those Schedules shall have effect ;

(c) any reference in those Schedules to goods or materials of area origin shall be construed as a reference to goods or materials, as the case may be, which are to be treated under these Regulations as grown, produced or manufactured in the area.

(4) The Interpretation Act 1889(a), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament, and as if these Regulations and the Regulations hereby revoked were Acts of Parliament.

#### *Revocation, Citation and Commencement*

9. The Regulations specified in Schedule 4 to these Regulations are hereby revoked.

10. These Regulations may be cited as the European Free Trade Association (Origin of Goods) Regulations 1964, and shall come into operation on 31st December 1964.

11th December 1964.

*E. C. Redhead,*  
Minister of State,  
Board of Trade.

### SCHEDULE 1

#### GENERAL INTRODUCTORY NOTES (EXCEPT TO CHAPTER 29)

1. In the application of Regulation 2(1)(b) to goods specified in Column 1 of this Schedule, the appropriate qualifying process shall be performed in respect of the whole of the goods excluding any packing.

2. All stages of manufacture of the goods from the commencement of the qualifying process shall be performed in the area.

3. Where a qualifying process provides for manufacture from alternative materials (e.g. "manufacture from . . . or from . . ."), the use of one of these materials does not preclude the use of any of the others.

4. Nothing in the terms of the qualifying processes shall preclude the use of materials listed in Schedule 3 to these Regulations, provided that they undergo in the area a process of production or manufacture not being a process listed in Regulation 2(2).

5. "Manufacture from" does not include the obtaining of the goods by disassembly from an article of which they formed part.

6. Where a qualifying process requires that the goods, or a specified material, are to be made by chemical transformation, the term "chemical transformation" means the forming of the molecule of the goods or material by

(a) the combination of two or more elements ; or

(b) any modification of the structure of the molecule of a compound with the exception of (i) ionisation and (ii) the addition or removal of water of crystallisation.

In this Note the "molecule" of the goods or a material means the molecule by virtue of which the Customs Tariff classification of that product or material is determined.

7. Four-figure references of the type "25.03" are references to headings of the Customs Tariff 1959; references to Chapters are references to Chapters of the Customs Tariff 1959.

8. These Notes do not apply to Chapter 29, for which special Introductory Notes are provided.

## CHAPTER 5

### PRODUCTS OF ANIMAL ORIGIN, NOT ELSEWHERE SPECIFIED OR INCLUDED

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
05.07 Feathers and down of birds, cleaned.	Cleaning (which must include washing, dusting and drying), sorting and blending of unworked feathers or down of birds.
05.15 Salted fish roes.	Manufacture from materials not falling in 05.15.

## CHAPTER 13

### RAW VEGETABLE MATERIALS OF A KIND SUITABLE FOR USE IN DYEING OR IN TANNING; LACS; GUMS, RESINS AND OTHER VEGETABLE SAPS AND EXTRACTS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
13.03 Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, derived from vegetable products.	Manufacture from materials not falling in 13.03.

## CHAPTER 14

### VEGETABLE PLAITING AND CARVING MATERIALS; VEGETABLE PRODUCTS NOT ELSEWHERE SPECIFIED OR INCLUDED

1	2
<i>Tariff Heading and Description</i>	<i>Qualifying process</i>
14.05 Seaweed meal.	Manufacture from seaweed (14.05) or from materials not falling in 14.05.



## CHAPTER 15

ANIMAL AND VEGETABLE FATS AND OILS AND THEIR CLEAVAGE PRODUCTS ;  
PREPARED EDIBLE FATS ; ANIMAL AND VEGETABLE WAXES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
15.04 Fats and oils, of fish and marine mammals, whether or not refined.	Manufacture from materials not falling in 15.04.
15.05 Wool grease.	Manufacture from materials not falling in 15.05.
15.05 Fatty substances (including lanolin) derived from wool grease.	Manufacture from unrefined wool grease (15.05) or from materials not falling in 15.05.
15.08 Animal and vegetable oils, boiled, oxidised, dehydrated, sulphurised, blown or polymerised by heat in vacuum or in inert gas, or otherwise modified.	Manufacture from materials not falling in 15.07 or 15.08.
15.09 Degras.	Manufacture from materials not falling in 15.08 or 15.09.
15.10 Fatty acids.	Manufacture from acid oils from refining (15.10) or from materials not falling in 15.10.
15.10 Acid oils from refining ; fatty alcohols.	Manufacture from materials not falling in 15.10.
15.11 Glycerol and glycerol lyes.	Manufacture from materials not falling in 15.11.
15.11 Refined glycerol.	Refining or distilling.
15.12 Fats and oils, wholly obtained from fish or marine mammals, wholly or partly hydrogenated, or solidified or hardened by any other process, whether or not refined, but not further prepared.	Manufacture from materials not falling in 15.12.
15.17 Residues resulting from the treatment of fatty substances or animal or vegetable waxes.	Manufacture from materials not falling in 15.17.

## CHAPTER 16

## PREPARATIONS OF MEAT, OR FISH, OF CRUSTACEANS OR MOLLUSCS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
16.04 Prepared or preserved fish, including caviar and caviar substitutes, in airtight containers.	Manufacture from materials not falling in 16.04.
16.05 Crustaceans and molluscs, prepared or preserved, in airtight containers.	Manufacture from materials not falling in 16.05.

## CHAPTER 17

## SUGARS AND SUGAR CONFECTIONERY

1

2

*Tariff heading and Description**Qualifying process*

- |   |  |
|---|--|
| 17.04 Sugar confectionery, not containing cocoa, <i>except</i> the following: fondant, pastes, creams and similar intermediate products, in bulk, containing 80 per cent. or more by weight of added sweetening matter. | Manufacture from materials not falling in 17.04. |
|---|--|

## CHAPTER 18

## COCOA AND COCOA PREPARATIONS

1

2

*Tariff heading and Description**Qualifying process*

- |   |   |
|---|---|
| 18.03 Cocoa paste (in bulk or in block), whether or not defatted. | Manufacture from materials not falling in 18.03.          |
| 18.04 Cocoa butter (fat or oil).                                  | Manufacture from materials not falling in 18.03 or 18.04. |
| 18.05 Cocoa powder, unsweetened.                                  | Manufacture from materials not falling in 18.03 or 18.05. |
| 18.06 Chocolate and other food preparations containing cocoa.     | Manufacture from materials not falling in 17.04 or 18.06. |

## CHAPTER 19

## PREPARATIONS OF CEREALS, FLOUR OR STARCH ; PASTRYCOOKS' PRODUCTS

1

2

*Tariff heading and Description**Qualifying process*

- |  |   |
|--|---|
| 19.01 Malt extract.  | Manufacture from materials not falling in 11.07 or 19.01. |
| 19.05 Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products). | Manufacture from materials not falling in 19.05.          |
| 19.06 Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.        | Manufacture from materials not falling in 19.06.          |
| 19.07 Ships' biscuits, rusks and crumbs.   | Manufacture from materials not falling in 19.07.          |
| 19.08 Biscuits, wafers, rusks, cakes without covering or filling, and pastry of the kind known as Danish pastry.                         | Manufacture from materials not falling in 19.08.          |

## CHAPTER 21

## MISCELLANEOUS EDIBLE PREPARATIONS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
21.01 Roasted chicory and other roasted coffee substitutes; extracts, essences and concentrates thereof.	Manufacture from materials not falling in 21.01.
21.02 Extracts, essences or concentrates, of coffee, tea or maté; preparations with a basis of those extracts, essences or concentrates.	Manufacture from materials not falling in 21.02.
21.03 Mustard flour and prepared mustard.	Manufacture from materials not falling in 21.03.
21.04 Sauces; mixed condiments and mixed seasonings.	Manufacture from materials not falling in 21.04.
21.05 Soups and broths, in liquid, solid or powder form.	Manufacture from materials not falling in 21.05.
21.06 Natural yeasts, other than pressed; prepared baking powders.	Manufacture from seed for yeast cultures (21.06) or from materials not falling in 21.06.
21.07 Food preparations not elsewhere specified or included <i>except</i> the following: ice cream (containing fat) but not including ice cream powder; coffee pastes (mixtures of ground, roasted coffee with vegetable fats, with or without other ingredients); sweetfat (mixtures of edible fats and sugar); mixtures of water and emulsifying agents with fat or oil (not including synthetic cream); ravioli, macaroni, spaghetti and the like, cooked (other than rice and other whole cereal grains), whether or not stuffed with other substances or admixed with tomato sauce.	Manufacture from materials not falling in 21.07.

## CHAPTER 22

## BEVERAGES, SPIRITS AND VINEGAR

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
22.02 Lemonade, flavoured spa waters and flavoured aerated waters, and other non-alcoholic beverages, not including fruit and vegetable juices falling within heading No. 20.07.	Manufacture from citrus fruit juices (20.07) or compound preparations of citrus fruit or citrus oil (21.07) or from materials not falling in 20.07, 21.07 or 22.02.
22.03 Beer made from malt.	Manufacture from materials not falling in 11.07 or 22.03.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
22.08 Ethyl alcohol or neutral spirits, undenatured, of a strength of one hundred and forty degrees proof or higher ; denatured spirits (including ethyl alcohol and neutral spirits) of any strength.	Manufacture from materials not falling in 22.08 or 22.09.
22.09 Spirits (other than those of heading No. 22.08) ; liqueurs and other spirituous beverages ; compound alcoholic preparations (known as "concentrated extracts") for the manufacture of beverages.	Manufacture from materials not falling in 22.08 or 22.09.

## CHAPTER 23

## RESIDUES AND WASTE FROM THE FOOD INDUSTRIES ; PREPARED ANIMAL FODDER

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
23.01 Flours and meals, of meat, offals, fish, crustaceans or molluscs, unfit for human consumption ; greaves.	Manufacture from materials not falling in 23.01.
23.05 Wine lees.	Manufacture from materials not falling in 23.05.
23.05 Argol.	Manufacture from wine lees (23.05) or from materials not falling in 23.05.
23.07 Fish solubles.	Manufacture from materials not falling in 23.07.

## CHAPTER 24

## TOBACCO

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
24.02 Manufactured tobacco ; tobacco extracts and essences.	Manufacture from materials not falling in 24.02.

## CHAPTER 25

## SALT ; SULPHUR ; EARTHS AND STONE : PLASTERING MATERIALS. LIME AND CEMENT

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
25.01 Table salt ; sodium chloride of pharmaceutical quality.	Manufacture from rock salt, sea salt or salt liquors (25.01) or from materials not falling in 25.01.
25.03 Sulphur of all kinds, other than sublimed sulphur, precipitated sulphur and colloidal sulphur.	Manufacture from materials not falling in 25.03.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
25.06 Quartz and quartzite, in grain or powder form.	Crushing, sieving and grading of crude quartz or quartzite (25.06).
25.07 Calcined clay (for example, kaolin and bentonite), andalusite, kyanite and sillimanite, but not including expanded clays falling within heading No. 68.07; mullite; chamotte and dinas earths.	Manufacture from uncalcined clay, andalusite, kyanite or sillimanite (25.07) or from materials not falling in 25.07.
25.09 Ground or calcined earth colours.	Manufacture from unground or uncalcined earth colours (25.09) or from materials not falling in 25.09.
25.13 Pumice stone; emery; natural corundum, natural garnet and other natural abrasives, whether or not heat-treated; in grain or powder form.	Crushing, sieving and grading of crude materials falling in 25.13.
25.17 Flint, whether or not heat-treated, in grain or powder form.	Crushing, sieving and grading of crude flint (25.17).
25.18 Calcined dolomite; agglomerated dolomite (including tarred dolomite).	Manufacture from uncalcined dolomite (25.18) or from materials not falling in 25.18.
25.19 Calcined magnesium carbonate.	Manufacture from uncalcined natural magnesium carbonate (25.19).
25.20 Calcined gypsum, and plasters with a basis of calcium sulphate, whether or not coloured, but not including plasters specially prepared for use in dentistry.	Manufacture from uncalcined gypsum (25.20) or anhydrite (25.20) or from materials not falling in 25.20.
25.22 Quicklime, slaked lime and hydraulic lime.	Manufacture from materials not falling in 25.22.
25.23 Portland cement, high alumina cement, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinker.	Manufacture from materials not falling in 25.23.
25.25 Agglomerated meerschäum; agglomerated amber.	Manufacture from natural meerschäum waste (25.25) or amber waste (25.25) or from materials not falling in 25.25.
25.30 Calcined concentrates of natural borates.	Manufacture from crude natural borates (25.30).

## CHAPTER 26

## METALLIC ORES, SLAG AND ASH

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
26.01 Roasted iron pyrites, whether or not agglomerated in briquette or other form.	Manufacture from materials not falling in 26.01.
26.02 Slag, dross, scalings and similar waste from the manufacture of iron or steel.	Manufacture from materials not falling in 26.02.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
26.03 Ash and residues (other than from the manufacture of iron or steel), containing metals or metallic compounds.	Manufacture from materials not falling in 26.03.
26.04 Other slag and ash, including kelp.	Manufacture from materials not falling in 26.04.

## CHAPTER 27

### MINERAL FUELS, MINERAL OILS AND PRODUCTS OF THEIR DISTILLATION ; BITUMINOUS SUBSTANCES ; MINERAL WAXES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
27.01 Briquettes, ovoids and similar solid fuels manufactured from coal.	Manufacture from coal (27.01) or from materials not falling in 27.01.
27.02 Agglomerated lignite.	Manufacture from unagglomerated lignite (27.02) or from materials not falling in 27.02.
27.04 Coke and semi-coke of coal, of lignite or of peat.	Manufacture from materials not falling in 27.04.
27.05 Retort carbon.	Manufacture from materials not falling in 27.05.
27.05 Coal gas, water gas, producer gas ( <i>bis</i> ) and similar gases.	Manufacture from materials not falling in 27.05 ( <i>bis</i> ).
27.06 Tar distilled from coal, from lignite or from peat, and other mineral tars, including partially distilled tars and blends of pitch with creosote oils or with other coal tar distillation products.	Manufacture from materials not falling in 27.06.
27.07 Oils and other products of the distillation of high temperature coal tars and similar oils and products obtained by other processes (for example, benzole, creosote, cresylic acid, and solvent naphtha).	Manufacture from materials not falling in 27.07.
27.08 Pitch and pitch coke, obtained from coal tar or from other mineral tars.	Manufacture from materials not falling in 27.08.
27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than seventy per cent by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations.	Manufacture from materials falling in 27.10 by processes not consisting solely of mixing or blending or packing or any combination of these processes, or from materials not falling in 27.10.
27.11 Petroleum gases and other gaseous hydrocarbons.	Manufacture from materials not falling in 27.11.
27.12 Petroleum jelly.	Manufacture from materials not falling in 27.12.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
27.12 Refined petroleum jelly.	Manufacture from unrefined petroleum jelly (27.12).
27.13 Paraffin wax.	Manufacture from slack wax (27.13) or scale wax (27.13) or from materials not falling in 27.13.
27.13 Micro-crystalline wax, slack wax, purified ozokerite, lignite wax, peat wax and other mineral waxes (other than crude ozokerite), whether or not coloured.	Manufacture from crude ozokerite (27.13) or from materials not falling in 27.13.
27.14 Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals.	Manufacture from materials not falling in 27.14.
27.16 Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs).	Manufacture from materials not falling in 27.16.

## CHAPTER 28

## INORGANIC CHEMICALS; ORGANIC AND INORGANIC COMPOUNDS OF PRECIOUS METALS, OR RARE EARTH METALS, OF RADIO-ACTIVE ELEMENTS AND OF ISOTOPES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
28.01 Halogens (fluorine, chlorine, bromine and iodine).	Manufacture from materials not falling in 28.01 or 38.19.
28.02 Sulphur, sublimed or precipitated; colloidal sulphur.	Manufacture from materials not falling in 28.02 or 38.19.
28.03 Carbon, including carbon black, anthracene black, acetylene black and lamp black.	Manufacture from materials not falling in 28.03.
28.04 Hydrogen, rare gases and other non-metals.	Manufacture from materials not falling in 28.04.
28.05 Alkali, alkaline-earth and rare earth metals; yttrium and scandium; mercury.	Manufacture from materials not falling in 28.05.
28.06 Hydrochloric acid and chlorosulphonic acid.	Manufacture from materials not falling in 28.06.
28.07 Sulphur dioxide.	Manufacture from materials not falling in 28.07.
28.08 Sulphuric acid; oleum.	Manufacture from materials not falling in 28.08 or 28.13.
28.09 Nitric acid; sulphonitric acids.	Manufacture from materials not falling in 28.09.
28.10 Phosphorus pentoxide and phosphoric acids (meta-, ortho- and pyro-).	Manufacture from materials not falling in 28.10.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
28.11 Arsenic trioxide, arsenic pentoxide and acids of arsenic.	Manufacture by chemical transformation from any material.
28.12 Boric oxide and boric acid.	Manufacture by chemical transformation from any material.
28.13 Other inorganic acids and oxygen compounds of non-metals (excluding water).	Manufacture by chemical transformation from any material.
28.14 Halides, oxyhalides and other halogen compounds of non-metals.	Manufacture by chemical transformation from any material.
28.15 Sulphides of non-metals; phosphorus trisulphide.	Manufacture from materials not falling in 28.15 or 38.19.
28.16 Ammonia, anhydrous or in aqueous solution.	Manufacture from materials not falling in 28.16.
28.17 Sodium hydroxide (caustic soda); potassium hydroxide (caustic potash); peroxides of sodium or potassium.	Manufacture from materials not falling in 28.17.
28.18 Oxides, hydroxides and peroxides, of strontium, barium or magnesium.	Manufacture from materials not falling in 28.18.
28.19 Zinc oxide and zinc peroxide.	Manufacture from materials not falling in 28.19.
28.20 Aluminium oxide and hydroxide.	Manufacture from materials not falling in 28.20.
28.20 Artificial corundum.	Manufacture from aluminium oxide (28.20) or from materials not falling in 28.20.
28.21 Chromium oxides and hydroxides.	Manufacture from materials not falling in 28.21.
28.22 Manganese oxides.	Manufacture from materials not falling in 28.22.
28.23 Iron oxides and hydroxides; earth colours containing seventy per cent or more by weight of combined iron evaluated as $Fe_2O_3$ .	Manufacture from materials not falling in 28.23.
28.23 Ground or calcined earth colours containing seventy per cent or more by weight of combined iron evaluated as $Fe_2O_3$ .	Manufacture from unground or uncalcined earth colours (28.23) or from materials not falling in 28.23.
28.24 Cobalt oxides and hydroxides.	Manufacture from materials not falling in 28.24.
28.25 Titanium oxides.	Manufacture from materials not falling in 28.25.
28.26 Tin oxides (stannous oxide and stannic oxide).	Manufacture from materials not falling in 28.26.
28.27 Lead oxides; red lead and orange lead.	Manufacture from materials not falling in 28.27.
28.28 Hydrazine and hydroxylamine and their inorganic salts; other inorganic bases and metallic oxides, hydroxides and peroxides, other than antimony oxides.	Manufacture from materials not falling in 28.28.
28.28 Antimony oxides.	Manufacture from materials not falling in 28.28 or 81.04.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
28.29 Fluorides ; fluorosilicates, fluoroborates and other complex fluorine salts.	Manufacture from fluorspar (25.31) or by chemical transformation from any material.
28.30 Chlorides and oxychlorides.	Manufacture from materials falling in 25.01 or 31.04 or by chemical transformation from any material.
28.31 Chlorites and hypochlorites.	Manufacture from materials not falling in 28.31.
28.32 Chlorates and perchlorates.	Manufacture by chemical transformation from any material.
28.33 Bromides, oxybromides, bromates and perbromates, and hypobromites.	Manufacture by chemical transformation from any material.
28.34 Iodides, oxyiodides, iodates and periodates.	Manufacture by chemical transformation from any material.
28.35 Sulphides ; polysulphides.	Manufacture by chemical transformation from any material.
28.36 Dithionites, including those stabilised with organic substances ; sulphoxylates.	Manufacture from materials not falling in 28.36.
28.37 Sulphites and thiosulphates.	Manufacture by chemical transformation from any material.
28.38 Sulphates (including alums).	Manufacture from materials not falling in 28.38.
28.38 Persulphates.	Manufacture by chemical transformation from any material.
28.39 Nitrites and nitrates.	Manufacture from materials not falling in 28.39.
28.40 Phosphites, hypophosphites and phosphates.	Manufacture from materials not falling in 28.04, 28.10, 28.13 or 28.40.
28.41 Arsenites and arsenates.	Manufacture from materials not falling in 28.41.
28.42 Carbonates and percarbonates ; commercial ammonium carbonate containing ammonium carbamate.	Manufacture from materials not falling in 28.42 or by chemical transformation from materials falling in 28.42.
28.43 Cyanides and complex cyanides.	Manufacture by chemical transformation from any material.
28.44 Fulminates, cyanates and thiocyanates.	Manufacture from materials not falling in 28.44.
28.45 Silicates ; commercial sodium and potassium silicates.	Manufacture by chemical transformation from any material.
28.46 Borates and perborates.	Manufacture from materials not falling in 28.46 or by chemical transformation from materials falling in 28.46.
28.47 Salts of metallic acids (for example, chromates, permanganates, stannates).	Manufacture by chemical transformation from any material.
28.48 Other salts and peroxysalts of inorganic acids, but not including azides.	Manufacture by chemical transformation from any material.

1

*Tariff heading and Description*

- 28.49 Colloidal precious metals; amalgams of precious metals; albuminates, proteينات, tannates and similar compounds of precious metals, whether or not chemically defined; other salts and compounds, inorganic or organic, of precious metals.
- 28.50 Uranium and uranium alloys, wrought, and articles thereof.
- 28.50 Salts and other compounds, inorganic or organic, of uranium, including inter-mixtures of such salts and compounds.
- 28.50 Cermets.
- 28.52 Compounds, inorganic or organic, of thorium, of uranium depleted in U235, of rare earth metals, of yttrium or of scandium, whether or not mixed together.
- 28.53 Liquid air (whether or not rare gases have been removed); compressed air.
- 28.54 Hydrogen peroxide (including solid hydrogen peroxide).
- 28.55 Phosphides.
- 28.56 Carbides (for example, silicon carbide, boron carbide, metallic carbides).
- 28.57 Hydrides, nitrides and azides, silicides and borides.
- 28.58 Other inorganic compounds (including distilled and conductivity water and water of similar purity); amalgams, except amalgams of precious metals.

2

*Qualifying process*

- Manufacture from materials not falling in 28.49 or by chemical transformation from materials falling in 28.49.
- Manufacture from unwrought uranium (28.50) or from waste or scrap (28.50) or from materials not falling in 28.50.
- Manufacture by chemical transformation from any material.
- Manufacture from materials not being cermets (28.50).
- Manufacture by chemical transformation from any material.
- Manufacture from materials not falling in 28.53.
- Manufacture from materials not falling in 28.54.
- Manufacture from materials not falling in 28.55.
- Manufacture from materials not falling in 28.56.
- Manufacture by chemical transformation from any material.
- Manufacture from materials not falling in 28.58 or by chemical transformation from materials falling in 28.58.

## CHAPTER 29

## ORGANIC CHEMICALS

*Special Introductory Notes*

1. In the application of Regulation 2(1)(b) to goods specified in column 1 in Chapter 29 of this Schedule the appropriate qualifying process shall be performed in respect of the whole of the goods, excluding any packing.

2. All stages of manufacture of the goods from the commencement of the qualifying process shall be performed in the area.

3. Where a qualifying process provides for manufacture from alternative materials (e.g., "manufacture from . . . or from . . ."), the use of one of these materials does not preclude the use of any of the others.

4. Nothing in the terms of the qualifying processes shall preclude the use of materials listed in Schedule 3 to these Regulations, provided that they undergo in the area a process of production or manufacture not being a process listed in Regulation 2(2).

5. "Carbon-containing material" means any material which contributes some or all of the carbon atoms in the molecule of the goods and which, if the goods (whether a single chemical or a mixture of isomers) are of known molecular weight, must, unless otherwise specified, comply with at least one of the following conditions:

the carbon-containing material or an intermediate derived from it must

- (a) contribute at least half of the number of atoms other than hydrogen atoms in the molecule of the goods ;
- or (b) contribute at least half of the molecular weight of the goods ;
- or (c) if the carbon-containing material, or an intermediate derived from it, is itself of area origin, contribute at least 30 per cent
  - (i) of the number of atoms other than hydrogen atoms in the molecule of the goods
  - or (ii) of the molecular weight of the goods.

6. "Intermediate" means any material from which the goods are derived by chemical transformation.

7. "Chemical transformation" means any modification of the structure of the molecule of any material which contributes some or all of the carbon atoms in the molecule of the product which is required to be made by chemical transformation, with the exceptions listed below:

- (a) reaction of an acid and a base to form their salt unless the said salt is formed from a racemic mixture and an optically active acid or base as a stage in the optical resolution ;
- (b) reaction of a phenol and a base to form its phenoxide ;
- (c) liberation of a base from its salt, unless the said salt is a stage in the optical resolution and consists of both an optically active acid and base ;
- (d) liberation of a phenol from its phenoxide ;
- (e) liberation of an acid from its salt unless the said salt is a stage in the optical resolution and consists of both an optically active acid and base ;
- (f) reaction of an inorganic compound of a metal and an organic compound to form a salt-like derivative or salt-like complex of that metal with the said organic compound ;
- (g) liberation of an organic compound from its salt-like metallic derivative or salt-like metallic complex ;
- (h) combination of water with a compound to form its hydrate ;
- (i) loss of water from a hydrate.

Furthermore, the manufacture of an optically active isomer from a racemic mixture or of a racemic mixture from an optically active isomer shall be considered to be "chemical transformation".

8. "Two chemical transformations" mean two successive chemical transformations as defined in Note 7 above, provided that the intermediate arising from the first chemical transformation is capable of being isolated as a substantial proportion of the throughput during the performance of the qualifying process. An operation which comprises repeated addition to a molecule, or elimination from it, of the same element, radical or compound shall not be deemed to constitute more than one chemical transformation unless the intermediate has been so isolated.

9. Nothing in the terms of any qualifying process shall preclude the use, in addition to starting material, of any material satisfying the following conditions:

(a) where the goods (whether a single chemical or a mixture of isomers) are of known molecular weight, that such additional material either (i) does not pass into the molecule of the goods or (ii) contributes to the molecule of the goods only the part which is not contributed by starting material ;

(b) where the goods are a compound of unknown molecular weight, that such additional material does not fall in the same heading as the goods.

In this note "starting material" means any material which, within the terms of the appropriate qualifying process, is a material from which the goods are to be manufactured.

10. "The molecule" of the goods or a material means the molecule by virtue of which the Customs Tariff classification of those goods or that material is determined, and "molecular weight" relates to the weight of that molecule.

11. Four-figure references of the type "29.01" are references to headings of the Customs Tariff 1959 ; references to Chapters are references to Chapters of the Customs Tariff 1959.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.01 Hydrocarbons.	Manufacture by two chemical transformations from any carbon-containing material.
29.01 Hydrocarbons, other than benzene, toluene, xylenes, naphthalene, anthracene, phenanthrene, ethylene, butadiene and isoprene.	Manufacture by chemical transformation from benzene, toluene, xylenes, naphthalene or any saturated aliphatic hydrocarbon (29.01)  or Manufacture from any carbon-containing material not falling in 22.08, 22.09, 38.18 or 38.19 or Chapter 29.
29.01 Benzene, toluene, xylenes, naphthalene, anthracene and phenanthrene.	Manufacture from any carbon-containing material falling in 28.56 or Chapter 27.
29.01 Ethylene, butadiene and isoprene.	Manufacture by chemical transformation from any carbon-containing material falling in Chapter 27.
29.02 Halogenated derivatives of hydrocarbons, other than vinyl chloride.	*Manufacture by two chemical transformations from any carbon-containing material  or *Manufacture from any carbon-containing material not falling in 29.02 to 29.45, 38.18 or 38.19.
29.02 Vinyl chloride.	Manufacture from ethylene (29.01) or from materials falling in 28.56 or Chapter 27.

\* Halogen atoms need not be taken into account in calculating the contribution to the molecular weight or number of atoms under Introductory Note 5 to this Chapter.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.03 Sulphonated, nitrated or nitrosated derivatives of hydrocarbons.	*Manufacture by two chemical transformations from any carbon-containing material or *Manufacture from any carbon-containing material not falling in 29.02 to 29.45 or 38.19.
29.04. Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives.	* Manufacture by two chemical transformations from any carbon-containing material or *Manufacture from any carbon-containing material not falling in 29.02 to 29.45, 38.18 or 38.19 and not being fatty alcohols (15.10).
29.05 Cyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 29.02 to 29.45, 38.18 or 38.19.
29.06. Phenols and phenol-alcohols.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from benzene, toluene, xylenes or naphthalene (29.01) or from any carbon-containing material not falling in 38.18 or 38.19 or Chapter 29.
29.07 Halogenated, sulphonated, nitrated or nitrosated derivatives of phenols or phenol-alcohols.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 38.18 or 38.19 or Chapter 29.
29.08 Ethers, ether-alcohols, ether-phenols, ether - alcohol - phenols, alcohol peroxides and ether peroxides, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.
29.08 Alcohol peroxides and other peroxides and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture from hydrogen peroxide (28.54) of Area origin.

\* Atoms other than carbon atoms need not be taken into account in calculating the contribution to the molecular weight or number of atoms under Introductory Note 5 to this Chapter.

1

*Tariff heading and Description*

- 29.09 Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three or four member ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives.
- 29.10 Acetals and hemiacetals and single or complex oxygen-function acetals and hemiacetals, and their halogenated, sulphonated, nitrated or nitrosated derivatives.
- 29.11 Aldehydes, aldehyde - alcohols, aldehyde-ethers, aldehyde-phenols and other single or complex oxygen-function aldehydes.
- 29.11 Formaldehyde.
- 29.12 Halogenated, sulphonated, nitrated or nitrosated derivatives of products falling within heading No. 29.11.
- 29.13 Ketones, ketone-alcohols, ketone-phenols, ketone-aldehydes, quinones, quinone-alcohols, quinone-phenols, quinone-aldehydes and other single or complex oxygen-function ketones and quinones, and their halogenated, sulphonated, nitrated or nitrosated derivatives.
- 29.14 Monoacids and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives.
- 29.14 All compounds of this heading, other than esters.

2

*Qualifying process*

Manufacture by two chemical transformations from any carbon-containing material

or

Manufacture from any carbon-containing material not falling in 29.02 to 29.45 or 38.19.

Manufacture by two chemical transformations from any carbon-containing material

or

Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 29.02 to 29.45, 38.18 or 38.19.

Manufacture by two chemical transformations from any carbon-containing material

or

Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.

Manufacture from methanol (29.04).

Manufacture by two chemical transformations from any carbon-containing material

or

Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.

Manufacture by two chemical transformations from any carbon-containing material

or

Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 29.02 to 29.45, 38.18 or 38.19.

Manufacture by two chemical transformations from any carbon-containing material

or

Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 29.02 to 29.45, 38.18 or 38.19.

Manufacture from any carbon-containing material being fatty acids or acid oils from refining (15.10).

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.14 Acid peroxides and peracids (including their esters) of this heading and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture from hydrogen peroxide (28.54) of Area origin.
29.15 Polyacids and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 29.02 to 29.45, 38.18 or 38.19.
29.15 All compounds of this heading, other than esters.	Manufacture from any carbon-containing material being fatty acids or acid oils from refining (15.10) or being sugars falling in 29.43.
29.15 Acid peroxides and peracids (including their esters) of this heading and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture from hydrogen peroxide (28.54) of Area origin.
29.15 Esters of hexachlorotetrahydro- <i>endomethylenephthalic acid</i> .	Manufacture by chemical transformation from any material.
29.16 Alcohol - acids, aldehyde - acids, ketone-acids, phenol-acids and other single or complex oxygen-function acids, and their anhydrides, acid halides, acid peroxides and peracids, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 29.02 to 29.45, 38.18 or 38.19.
29.16 All compounds of this heading, other than esters.	Manufacture from any carbon-containing material being fatty acids or acid oils from refining (15.10) or being sugars falling in 29.43.
29.16 Acid peroxides and peracids (including their esters) of this heading and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture from hydrogen peroxide (28.54) of Area origin.
29.17 Sulphuric esters and their salts, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by chemical transformation from any material.
29.18 Nitrous and nitric esters, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by chemical transformation from any material.
29.19 Phosphoric esters and their salts, including lactophosphates, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	Manufacture by chemical transformation from any material.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.20 Carbonic esters and their salts, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29 and not being a carbon oxyhalide falling in 28.14.</p>
29.21 Other esters of mineral acids (excluding halides) and their salts, and their halogenated, sulphonated, nitrated or nitrosated derivatives.	<p>Manufacture by chemical transformation from any material.</p>
29.22 Amine-function compounds.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 22.08, 22.09 or 38.19 or Chapter 29 and not being fatty alcohols (15.10).</p>
29.23 Single or complex oxygen-function amino-compounds.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 22.08, 22.09 or 38.19 or Chapter 29 and not being fatty alcohols (15.10).</p>
29.24 Quaternary ammonium salts and hydroxides; lecithins and other phosphoaminolipins.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 22.08, 22.09 or 38.19 or Chapter 29 and not being fatty alcohols (15.10).</p>
29.25 Amide-function compounds.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 22.08, 22.09 or 38.19 or Chapter 29 and not being fatty alcohols (15.10).</p>
29.26 Imide-function compounds and imine-function compounds.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09 or 38.19 or Chapter 29.</p>



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.27 Nitrile-function compounds.	* Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09 or 38.19 or Chapter 29.
29.28 Diazo-compounds.	Manufacture by two chemical transformations from any carbon-containing material, provided that the intermediate is an amine.
29.28 Aliphatic and cycloaliphatic azo-compounds.	Manufacture by chemical transformation from any material.
29.28 Aromatic azo-compounds.	† Manufacture by two chemical transformations from any carbon-containing material.
29.28 Azoxy-compounds.	Manufacture by two chemical transformations from any carbon-containing material.
29.29 Organic derivatives of hydrazine or of hydroxylamine.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.
29.30 Compounds with other nitrogen-functions.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.
29.31 Organo-sulphur compounds.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 28.15, 38.18 or 38.19 or Chapter 29.
29.32 Organo-arsenic compounds.	Manufacture by two chemical transformations from any carbon-containing material.

\* Loss of water from the ammonium salt of a carboxylic acid to form the corresponding amide shall not be considered to be a chemical transformation.

† Diazotising shall not be considered to be a chemical transformation.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.33 Organo-mercury compounds.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any hydrocarbon falling in 29.01.</p>
29.34 Other organo-inorganic compounds.	<p>* Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any element (other than carbon, hydrogen, oxygen, nitrogen, sulphur, arsenic and mercury) which in the goods is linked directly to carbon, or from any source of such element not falling in 38.19 or Chapter 28 or 29 or from any source of such element which is itself of Area origin.</p>
29.35 Heterocyclic compounds; nucleic acids.	<p>† Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 28.58 or 38.19 or Chapter 29.</p>
29.36 Sulphonamides.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 38.19 or Chapter 29.</p>
29.37 Sultones and sultams.	<p>‡ Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.</p>
29.38 Phosphorylated vitamins.	<p>Manufacture from any non-phosphorylated vitamin falling in 29.38.</p>

\* The conditions of sub-paragraphs (a), (b) and (c) of Introductory Note 5 to this Chapter do not apply.

† Formation of a lactone or lactam ring from the respective hydroxy acid or amino-acid shall not be considered to be a chemical transformation.

‡ Formation of a sultone or sultam ring from the respective hydroxy acid or amino-acid shall not be considered to be a chemical transformation.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.38 Provitamins and vitamins (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, of which the provitamin and vitamin content is derived solely from materials falling in Chapters 1 to 15.	Manufacture from materials falling in Chapters 1 to 15, provided that the concentration of any provitamin or vitamin declared by the producer or exporter to be present has been increased at least tenfold.
29.38 Provitamins and vitamins (including natural concentrates), derivatives thereof used primarily as vitamins, and intermixtures of the foregoing, of which none of the provitamin or vitamin content is derived from materials falling in Chapters 1 to 15.	*Manufacture by two chemical transformations from any carbon containing material not falling in 29.38, provided that the carbon-containing material contributes the basic structure of the goods or *Manufacture from any carbon-containing material not falling in 38.19 or Chapter 29, provided that the carbon-containing material contributes the basic structure of the goods.
29.39 Hormones, natural or reproduced by synthesis, and derivatives thereof used primarily as hormones.	Manufacture by two chemical transformations from any carbon-containing material not falling in 29.39 or Manufacture from any carbon-containing material not falling in 38.19 or Chapter 29.
29.39 Prednisone.	Manufacture from cortisone (29.39).
29.39 Prednisolone.	Manufacture from hydrocortisone (29.39).
29.39 Norandrostenolon phenylpropionate.	Manufacture from oestradiol ether (29.39).
29.39 Ethinyloestradiol.	Manufacture from oestrone (29.39).
29.40 Enzymes.	Manufacture from any carbon-containing material not falling in 29.40.
29.41 Glycosides, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives.	Manufacture by two chemical transformations from any carbon-containing material or Manufacture from any carbon-containing material not falling in 15.10, 17.01, 17.02 or 38.19 or Chapter 29.

\* The conditions of sub-paragraphs (a), (b) and (c) of Introductory Note 5 to this Chapter do not apply.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
29.42 Vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 15.10 or 38.19 or Chapter 29.</p>
29.42 Cocaine of a purity exceeding 94 per cent.	<p>Manufacture from cocaine of a purity of 94 per cent or less (29.42).</p>
29.43 Sugars, chemically pure, other than sucrose, glucose and lactose; sugar ethers and sugar esters, and their salts, other than products of headings Nos. 29.39, 29.41 and 29.42.	<p>Manufacture by two chemical transformations from any carbon-containing material falling in 29.43.</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 29.43.</p>
29.44 Antibiotics, other than chloramphenicol.	<p>Manufacture by two chemical transformations from any carbon-containing material not falling in 29.44</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 29.44 by the action of a microbial culture (30.02).</p>
29.44 Chloramphenicol.	<p>*Manufacture by two chemical transformations from any carbon-containing material, provided that resolution of a mixture of optically active isomers has been carried out in the Area.</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 29.44 by the action of a microbial culture (30.02).</p>
29.44 Tetracycline.	<p>Manufacture from chlorotetracycline (29.44).</p>
29.45 Other organic compounds.	<p>Manufacture by two chemical transformations from any carbon-containing material</p> <p style="text-align: center;">or</p> <p>Manufacture from any carbon-containing material not falling in 15.10, 22.08, 22.09, 38.18 or 38.19 or Chapter 29.</p>

\* Resolution of a mixture of optically active isomers shall not be considered to be a chemical transformation.

## CHAPTER 30

## PHARMACEUTICAL PRODUCTS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
30.01 Organo-therapeutic glands or other organs, dried, whether or not powdered; organo-therapeutic extracts of glands or other organs or of their secretions; other animal substances prepared for therapeutic or prophylactic uses, not elsewhere specified or included.	Manufacture from materials not falling in 30.01.
30.01 Organo-therapeutic extracts of glands or other organs or of their secretions.	Manufacture from organo-therapeutic glands or other organs, dried, whether or not powdered (30.01) or from materials not falling in 30.01.
30.02 Antisera; microbial vaccines, toxins, microbial cultures (including ferments but excluding yeasts) and similar products.	Manufacture from seed for microbial cultures or for similar products (30.02) or from materials not falling in 30.02 or 38.16.
30.03 Medicaments (including veterinary medicaments).	Manufacture from materials not falling in 30.03, provided that all the active ingredients* are of Area origin.
30.03 Medicaments (including veterinary medicaments), put up in measured doses or for retail sale.	Manufacture from materials not falling in 30.03, provided that all the active ingredients* have been made in the Area by chemical transformation† or are of Area origin.
30.04 Wadding, gauze, bandages and similar articles, impregnated or coated with pharmaceutical substances or put up in retail packings for medical or surgical purposes, other than plasters capable of adhering to themselves or to the skin.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in 30.04 or Chapters 50 to 62 and not being cellulose wadding (48.01).
30.04 Plasters, capable of adhering to themselves or to the skin, impregnated or coated with pharmaceutical substances or put up in retail packings for medical or surgical purposes.	Manufacture from materials not falling in 30.04 or 40.06.
30.05 Sterile surgical catgut and similar sterile suture materials; sterile absorbable surgical haemostatics; dental cements and fillings.	Manufacture from materials not falling in 30.05.

\* An active ingredient means any substance which forms part of the goods and in respect of which any therapeutic or prophylactic claim is made by the producer or exporter. The documentary evidence or origin relating to the goods must include a statement of the ingredients which are claimed to be active.

† As defined in the Introductory Notes applicable to the Chapter in which the active ingredient is classified.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
30.05 Opacifying preparations for X-ray examination and diagnostic re-agents.	Manufacture from materials not falling in 30.05, provided that all the active ingredients* have been made in the Area by chemical transformation† or are of Area origin.

## CHAPTER 31

## FERTILISERS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
31.02 Mineral or chemical fertilisers, nitrogenous.	Manufacture from natural sodium nitrate (28.39 or 31.02) or from materials not falling in 28.30, 28.39, 29.25, 31.02 or 38.19.
31.03 Mineral or chemical fertilisers, phosphatic.	Manufactures from materials not falling in 28.10, 28.40 or 31.03.
31.04 Mineral or chemical fertilisers, potassic.	Manufacture from potassium chloride (31.04) or crude natural potassium salts (31.04) or from materials not falling in 31.04.
31.05 Other fertilisers; goods of the present Chapter in tablets, lozenges and similar prepared forms or in packings of a gross weight not exceeding ten kilogrammes (other than the fertilisers covered by the following item).	Manufacture from ammonium phosphates (31.05) of Area origin or from materials not falling in 31.05, provided that any materials falling in 31.02 (other than natural sodium nitrate), 31.03, 38.11, 38.19 or 39.01 or Chapter 28 or 29 are of Area origin.
31.05 Ammonium phosphates containing not less than six milligrammes of arsenic per kilogramme.	Manufacture from materials not falling in 28.04, 28.10, 28.40 or 31.05.

## CHAPTER 32

## TANNING AND DYEING EXTRACTS; TANNINS AND THEIR DERIVATIVES; DYES, COLOURS, PAINTS AND VARNISHES; PUTTY, FILLERS AND STOPPINGS; INKS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
32.01 Tanning extracts of vegetable origin.	Manufacture from materials not falling in 32.01 to 32.03.
32.01 Tanning extracts in liquid or powder form.	Manufacture from tanning extracts (32.01) in solid form (excluding powder) or from materials not falling in 32.01 to 32.03.

\* An active ingredient means any substance which forms part of the goods and in respect of which any opacifying or diagnostic property is claimed by the producer or exporter. The documentary evidence of origin relating to the goods must include a statement of the ingredients which are claimed to be active.

† As defined in the Introductory Notes applicable to the Chapter in which the active ingredient is classified.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
32.01 Quebracho extract containing not more than 4 per cent by weight of insoluble quebracho.	Manufacture from quebracho extract containing more than 4 per cent by weight of insoluble quebracho or from materials not falling in 32.01 to 32.03.
32.02 Tannins (tannic acids), including water-extracted gall-nut tannin, and their salts, ethers, esters and other derivatives.	Manufacture from materials not falling in 32.02.
32.03 Synthetic tanning substances, whether or not mixed with natural tanning materials ; artificial bates for pre-tanning (for example, of enzymatic, pancreatic or bacterial origin).	Manufacture from materials not falling in 32.03.
32.04 Colouring matter of vegetable origin (including dyewood extract and other vegetable dyeing extracts, but excluding indigo) or of animal origin.	Manufacture from materials not falling in 32.04.
32.05 Synthetic organic dyestuffs (including pigment dyestuffs), other than azoic dyes ; synthetic organic products of a kind used as luminophores ; products of the kind known as optical bleaching agents, substantive to the fibre.	*Manufacture by two chemical transformations from any carbon-containing material, provided that (a) the carbon - containing material is a cyclic compound and (b) all the diazotisation and coupling reactions involved in the process count together as only one chemical transformation.
32.05 Azoic dyes.	Manufacture from a stabilized diazonium salt and a coupling component each of which shall be of Area origin.
32.06 Colour lakes.	Manufacture from materials not falling in 32.06, provided that any synthetic organic dyestuffs (32.05) and any materials falling in 32.07 are of Area origin.
32.07 Mineral blacks ; ultramarine ; pigments consisting of finely ground ores ; zinc grey ; soluble vandyke brown and similar products.	Manufacture from materials not falling in 32.07.
32.07 Coloured earths and synthetic iron oxides mixed with synthetic organic dyestuffs.	Manufacture from materials not falling in 32.06 or 32.07, provided that any synthetic iron oxides (28.23) and any synthetic organic dyestuffs (32.05) are of Area origin.

\* The Introductory Notes to Chapter 29 apply with the exception of:  
(i) the conditions of sub-paragraphs (a), (b) and (c) of Note 5, and  
(ii) sub-paragraph (f) of Note 7.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
32.07 Lithopone and other pigments with a basis of zinc sulphide; pigments with a basis of cadmium compounds.	Manufacture from materials not falling in 28.35 or 32.07.
32.07 Titanium whites, containing not more than 20 per cent by weight of titanium dioxide.	Manufacture from materials not falling in 32.07.
32.07 Titanium whites, containing more than 20 per cent by weight of titanium dioxide.	Manufacture from materials not falling in 28.25 or 32.07.
32.07 Pigments with a basis of chromium compounds or with a basis of ferrocyanides or ferricyanides or mixtures thereof.	Manufacture from materials not falling in 32.07, provided that any synthetic organic dyestuffs (32.05) are of Area origin and that the chromium compounds or any materials falling in Chapter 28 contained in the goods have been made in the Area by chemical transformation or are of Area origin.
32.07 Pigments based on cobalt compounds.	Manufacture from materials not falling in 32.07, provided that any materials falling in Chapter 28 are of Area origin.
32.07 Inorganic products of a kind used as luminophores.	Manufacture from materials not falling in 32.07, provided that the constituent predominating by weight has undergone in the Area the qualifying process which would have applied if it had been classified in Chapter 28.
32.08 Prepared pigments, prepared opacifiers and prepared colours, vitrifiable enamels and glazes and similar products of the kind used in the ceramic, enamelling and glass industries; glass frit and other glass, in the form of powder, granules or flakes.	Manufacture from materials not falling in 32.08.
32.09* Varnishes and lacquers, other than solutions of artificial resins; distempers; prepared water pigments of the kind used for finishing leather; paints and enamels, except aluminium paste.	Manufacture from unpigmented solutions of artificial resins (32.09) or from materials not falling in 32.09.
32.09 Solutions of artificial resins.	Manufacture from materials not falling in 32.09, provided that the artificial resins and solvents used are of Area origin.
32.09 Aluminium paste.	Manufacture from materials not falling in 32.09 or 76.05.
32.09 Stamping foils.	Manufacture from materials not falling in 32.09.

\* Goods imported in the same consignment as these goods, and necessary for their completion, shall be considered to be of the same origin as these goods.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
32.10 Artists', students' and signboard painters' colours, modifying tints, amusement colours and the like, in tablets, tubes, jars, bottles, pans or in similar forms or packings, including such colours in sets or outfits, with or without brushes, palettes or other accessories.	Manufacture from materials not falling in 32.09, 32.10, 32.13, 73.40 or 96.02.
32.11 Prepared driers.	Manufacture from materials not falling in 32.11 provided that any oil-soluble soaps and any metallic oil-soluble compounds have been made in the Area by chemical transformation or are of Area origin.
32.12*Glaziers' putty; grafting putty; painters' fillings; stopping, sealing and similar mastics, including resin mastics and cements.	Manufacture from materials not falling in 32.09 or 32.12.
32.13*Writing ink, printing ink and other inks.	Manufacture from unpigmented solutions of artificial resins (32.09) or from materials not falling in 32.09 or 32.13.

## CHAPTER 33

## ESSENTIAL OILS AND RESINOIDS; PERFUMERY, COSMETICS AND TOILET PREPARATIONS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
33.01 Essential oils (terpeneless or not); concretes and absolutes; resinoids.	Manufacture from materials not falling in 33.01.
33.02 Terpenic by-products of the deterpenation of essential oils.	Manufacture from materials not falling in 33.02.
33.03 Concentrates of essential oils in fats, in fixed oils, or in waxes or the like, obtained by cold absorption or by maceration.	Manufacture from materials not falling in 33.03.
33.04 Mixtures of two or more odoriferous substances (natural or artificial) and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in the perfumery, food, drink or other industries.	Manufacture from any materials, provided that any odoriferous substance present in the goods is of Area origin.
33.05 Aqueous distillates and aqueous solutions of essential oils, including such products suitable for medicinal uses.	Manufacture from materials not falling in 33.01 or 33.05.

\* Goods imported in the same consignment as these goods, and necessary for their completion, shall be considered to be of the same origin as these goods.

## CHAPTER 34

SOAP, ORGANIC SURFACE-ACTIVE AGENTS, WASHING PREPARATIONS, LUBRICATING PREPARATIONS, ARTIFICIAL WAXES, PREPARED WAXES, POLISHING AND SCOURING PREPARATIONS, CANDLES AND SIMILAR ARTICLES, MODELLING PASTES AND "DENTAL WAXES."

1

*Tariff heading and Description*

- 34.01 Soap, including medicated soap.
- 34.02 Organic surface-active agents; surface-active preparations and washing preparations, whether or not containing soap.
- 34.03 Lubricating preparations, and preparations of a kind used for oil or grease treatment of textiles, leather or other materials, but not including preparations containing seventy per cent or more by weight of petroleum oils or of oils obtained from bituminous minerals.
- 34.04 Artificial waxes (including water-soluble waxes); prepared waxes, not emulsified or containing solvents.
- 34.05 Polishes and creams, for footwear, furniture or floors, metal polishes, scouring powders and similar preparations, but excluding prepared waxes falling within heading No. 34.04.
- 34.06 Candles, tapers, night-lights and the like.
- 34.07 Modelling pastes (including those put up for children's amusement and assorted modelling pastes); preparations of a kind known as "dental wax" or as "dental impression compounds", in plates, horseshoe shapes, sticks and similar forms.

2

*Qualifying process*

- Manufacture from materials not falling in 34.01.
- Manufacture from materials not falling in 34.01 or 34.02, provided that any organic surface-active agent present in the goods has been made in the Area by chemical transformation\* or is of Area origin.
- Manufacture from materials not falling in 34.03.
- Manufacture from materials not falling in 34.04, provided that any materials falling in Chapter 29 which are used have been made in the Area by chemical transformation\* or are of Area origin.
- Manufacture from materials not falling in 34.05.
- Manufacture from materials not falling in 34.06.
- Manufacture from materials not falling in 34.07.

## CHAPTER 35

ALBUMINOIDAL SUBSTANCES; GLUES

1

*Tariff heading and Description*

- 35.01 Casein glues.
- 35.02 Albumins.

2

*Qualifying process*

- Manufacture from casein (35.01) or from materials not falling in 35.01.
- Manufacture from materials not falling in 35.02.

\* As defined in the Introductory Notes to Chapter 29.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
35.02 Albuminates and other albumin derivatives.	Manufacture from albumin (35.02) or from materials not falling in 35.02.
35.03 Gelatin (including gelatin in rectangles, whether or not coloured or surface-worked) and gelatin derivatives; glues derived from bones, hides, nerves, tendons or from similar products; fish glues; isin-glass.	Manufacture from materials not falling in 35.03.
35.04 Peptones and other protein substances and their derivatives; hide powder, whether or not chromed.	Manufacture from materials not falling in 35.04.
35.05 Dextrins and dextrin glues; soluble or roasted starches; starch glues.	Manufacture from materials not falling in 35.05.
35.06 Products suitable for use as glues put up for sale by retail as glues in packages not exceeding a net weight of one kilogramme.	Manufacture from casein (35.01) or albumins (35.02) or from materials not falling in 28.45, 32.09, 38.19 or 40.06 or Chapter 35 or 39.
35.06 Other goods of this heading.	Manufacture from materials not falling in 28.45, 35.06 or 38.19.

## CHAPTER 36

EXPLOSIVES; PYROTECHNIC PRODUCTS; MATCHES; PYROPHORIC ALLOYS;  
CERTAIN COMBUSTIBLE PREPARATIONS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
36.01 Propellent powders.	Manufacture from materials not falling in 36.01 or 39.03.
36.02 Prepared explosives, other than propellent powders.	Manufacture from materials not falling in 28.32, 29.18, 31.02 or 36.02.
36.03 Mining, blasting and safety fuses.	Manufacture from materials not falling in 36.03.
36.04 Percussion and detonating caps; igniters; detonators.	Manufacture from materials not falling in 36.04.
36.05 Pyrotechnic articles (for example, fireworks, railway fog signals, amorces, rain rockets).	Manufacture from materials not falling in 36.05.
36.06 Matches (excluding Bengal matches).	Manufacture from materials not falling in 36.06 or 44.11.
36.07 Ferro-cerium and other pyrophoric alloys in all forms.	Manufacture from materials not falling in 28.05 or 36.07.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
36.08 Metaldehyde in tablets, sticks or similar forms.	Manufacture from materials not falling in 36.08, provided that the metaldehyde (29.11) is of Area origin.

## CHAPTER 37

## PHOTOGRAPH AND CINEMATOGRAPHIC GOODS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
37.01 Photographic plates and film in the flat, sensitised, unexposed, of any material other than paper, paperboard or cloth.	Manufacture from materials not falling in Chapter 37.
37.02 Film in rolls, sensitised, unexposed, perforated or not.	Manufacture from materials not falling in Chapter 37.
37.03 Sensitised paper, paperboard and cloth, unexposed or exposed but not developed.	Manufacture from materials not falling in Chapter 37.
37.04 Sensitised plates and film, exposed but not developed, negative or positive.	Exposure.
37.05 Plates, unperforated film and perforated film (other than cinematograph film), exposed and developed, negative or positive.	Development.
37.06 Cinematograph film, exposed and developed, consisting only of sound track, negative or positive.	Development.
37.07 Other cinematograph film, exposed and developed, whether or not incorporating sound track, negative or positive.	Development.
37.08 Chemical products and flash light materials, of a kind and in a form suitable for use in photography.	Manufacture from materials not falling in 37.08.

## CHAPTER 38

## MISCELLANEOUS CHEMICAL PRODUCTS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
38.01 Artificial graphite.	Manufacture from materials not falling in 38.01.
38.01 Colloidal graphite, other than suspensions in oil.	Manufacture from artificial graphite (38.01) or from materials not falling in 38.01.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
38.02 Animal black (for example, bone black and ivory black), including spent animal black.	Manufacture from materials not falling in 38.02.
38.03 Activated carbon (decolourising, depolarising or adsorbent); activated diatomite, activated clay, activated bauxite and other activated natural mineral products.	Manufacture from materials not falling in 38.03.
38.04 Ammoniacal gas liquors and spent oxide produced in coal gas purification.	Manufacture from materials not falling in 38.04.
38.05 Crude tall oil.	Manufacture from materials not falling in 38.05.
38.05 Tall oil, other than crude.	Manufacture from crude tall oil (38.05) or from materials not falling in 38.05.
38.06 Concentrated sulphite lye.	Manufacture from materials not falling in 38.06.
38.07 Spirits of turpentine (gum, wood and sulphate) and other terpenic solvents produced by the distillation or other treatment of coniferous woods; sulphite turpentine; pine oil (excluding "pine oils" not rich in terpineol).	Manufacture from materials not falling in 38.07.
38.07 Crude dipentene.	Manufacture from spirits of turpentine or other terpenic solvents other than dipentene (38.07), or from materials not falling in 38.07.
38.08 Derivatives of rosin and resin acids, other than ester gums included in heading No. 39.05.	Manufacture by chemical transformation or emulsification.
38.08 Rosin spirit and rosin oils.	Manufacture from rosin or resin acids (38.08) or from materials not falling in 38.08.
38.09 Wood tar; wood naphtha; acetone oil.	Manufacture from materials not falling in 38.09.
38.09 Wood tar oils (other than the composite solvents and thinners falling within heading No. 38.18); wood creosote.	Manufacture from wood tar (38.09) or from materials not falling in 38.09.
38.10 Vegetable pitch of all kinds.	Manufacture from materials not falling in 38.10.
38.10 Brewers' pitch and similar compounds based on rosin or on vegetable pitch; foundry core binders based on natural resinous products.	Manufacture from vegetable pitch (38.10) or from materials not falling in 38.10.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
38.11 Disinfectants, insecticides, fungicides, weed-killers, anti-sprouting products, rat poisons and similar products, put up in forms or packings for sale by retail or as preparations or as articles (for example, sulphur-treated bands, wicks and candles, fly-papers).	Manufacture from materials not falling in 38.11 or 38.19, provided that any such materials falling in Chapter 28 (other than 28.02) or in Chapter 29 (other than 29.01) which are present in the goods have been made in the Area by chemical transformation* or are of Area origin.
38.12 Prepared glazings, prepared dressings and prepared mordants, of a kind used in the textile, paper, leather or like industries.	Manufacture from materials not falling in 38.12, provided that any such materials falling in 34.02 34.04, 38.18 or 38.19 or Chapter 29 or 39 which are present in the goods have been made in the Area by chemical transformation* or are of Area origin.
38.18 Composite solvents and thinners for varnishes and similar products.	Manufacture from materials not falling in 38.18, provided that any such materials falling in Chapter 29 which are present in the goods are of Area origin.
38.19 Carbon pastes.	Manufacture from materials not falling in 27.16 or 38.19.
38.19 Enzyme preparations.	Manufacture from materials not falling in 29.40 and not being an enzyme preparation (38.19).
38.19 Mixtures of two or more natural or artificial abrasives in grain or powder form.	Crushing, sieving and grading.
38.19 Refractory materials in powder, granular or plastic form.	Manufacture from bauxite calcined for refractory purposes (38.19) or from materials not falling in 38.19.
38.19 Metallic naphthenates.	Manufacture from naphthenic acids (38.19) or from materials not falling in 38.19.
38.19 Preparations for improving the colour fastness of dyed materials.	Manufacture from any materials provided that any materials falling in Chapter 29, 38 or 39 which are present in the goods have been made in the Area by chemical transformation* or are of Area origin.
38.19 Preparations for hardening condensation, polycondensation and polyaddition products falling in 39.01.	Manufacture from any materials provided that any materials falling in Chapter 29, 38 or 39 which are present in the goods have been made in the Area by chemical transformation* or are of Area origin.

\* As defined in the Introductory Notes to the relevant Chapter.

## CHAPTER 39

ARTIFICIAL RESINS AND PLASTIC MATERIALS, CELLULOSE ESTERS AND ETHERS ;  
ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
39.01 Polyamides and superpolyamides, in the forms mentioned in Notes 3 (a) and 3 (b) to Chapter 39.	*Manufacture from materials not falling in 39.01 and not being solutions of artificial resins (32.09), provided that both (a) any lactam has been made in the Area by chemical transformation and (b) any salt of a dibasic acid and a diamine has been made in the Area by chemical transformation.
39.01 Polyurethanes and superpolyurethanes, in the forms mentioned in Notes 3 (a) and 3 (b) to Chapter 39.	*Manufacture from materials not falling in 39.01 and not being solutions of artificial resins (32.09), provided that either (a) any isocyanate has been made in the Area by chemical transformation or (b) any polyester and any polyether have been made in the Area by chemical transformation.
39.01 Polycondensation products of terephthalic acid with ethanediol, in the forms mentioned in Notes 3 (a) and 3 (b) to Chapter 39.	†Manufacture from terephthalic acid or from materials not falling in 29.15, 38.19 or 39.01 and not being solutions of artificial resins (32.09).
39.01 Unsaturated polyesters, in the forms mentioned in Notes 3 (a) and 3 (b) to Chapter 39.	Manufacture from materials not falling in 39.01 and not being solutions of artificial resins (32.09), provided that (a) any polyhydric alcohol is of Area origin or (b) if only one dicarboxylic acid or anhydride is used, it is of Area origin or (c) if more than one dicarboxylic acid or anhydride is used, all of one which contributes 40 per cent or more of the combined weight of the dicarboxylic acids and anhydrides used is of Area origin.

\* "Chemical transformation" has the meaning given in the Introductory Notes to Chapter 29 except that curing (hardening) shall not be considered to be a chemical transformation.

† As defined in the Introductory Notes to the relevant Chapter.

1

*Tariff heading and Description*

39.01 Other condensation, polycondensation and polyaddition products; in the forms mentioned in Notes 3(a) and 3(b) to Chapter 39.

39.01 Condensation, polycondensation and polyaddition products, in the forms mentioned in Notes 3(c) and 3(d) to Chapter 39.

2

*Qualifying process*

\*Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09), provided that if any materials in the following list are used, all such materials have been made in the Area by chemical transformation or are of Area origin:

urea (29.25 or 31.02); thiourea (29.31); melamine (29.35); materials falling in 29.04 to 29.07, 29.22, 29.23, 29.34 or 38.19

or

\*Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09), provided that if any materials in the following list are used, all such materials have been made in the Area by chemical transformation or are of Area origin:

fatty acids (15.10); phosgene (28.14); hexamine (29.26); aldehydes (29.35); materials falling in 29.11, 29.12, 29.14 to 29.16, 29.20, 29.34 or 38.19.

Manufacture from materials falling in 39.01 which are in any form mentioned in Notes 3 (a) and 3 (b) to Chapter 39, or from materials falling in Chapter 32, or from materials not being and not containing materials of Chapter 39, provided that both

(a) the process does not consist solely of agglomerating without change in the degree of polymerisation, or slicing, or sintering, or shaping by cutting tools, or any combination of these processes

and

(b) 50 per cent or more by weight of the artificial resins used is of Area origin.

\* "Chemical transformation" has the meaning given in the Introductory Notes to Chapter 29 except that curing (hardening) shall not be considered to be a chemical transformation.



1

*Tariff heading and Description*

39.02 The following products, in the forms mentioned in Notes 3(a) and 3(b) to Chapter 39:

Coumarone-indene resins; polyvinyl alcohols and polyvinyl acetals; chemically modified polyacrylates, polymethacrylates and polystyrene (for example, sulphonated polystyrene), other than graft copolymers.

39.02 Graft copolymers, in the forms mentioned in Notes 3(a) and 3(b) to Chapter 39.

2

*Qualifying process*

Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09).

\*Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09), provided that all of any monomer which contributes 50 per cent or more by weight of the dry graft copolymer contained in the goods has been made in the Area by chemical transformation. If no one monomer contributes 50 per cent or more by weight of the dry graft copolymer contained in the goods, each of any two or more monomers which together contribute 50 per cent or more by weight of the dry graft copolymer contained in the goods must have been made in the Area by chemical transformation

or

\*Manufacture from any material, provided that all of any polymer, copolymer or polyaddition product (whether falling in Chapter 39 or contained in a solution of artificial resins (32.09)) which contributes 50 per cent or more by weight of the dry graft copolymer contained in the goods has been made in the Area by chemical transformation. If no one polymer, copolymer or polyaddition product contributes 50 per cent or more by weight of the dry graft copolymer contained in the goods, each of any two or more polymers, copolymers or polyaddition products which together contribute 50 per cent or more by weight of the dry graft copolymer contained in the goods must have been made in the Area by chemical transformation.

---

\* "Chemical transformation" has the meaning given in the Introductory Notes to Chapter 29 except that curing (hardening) shall not be considered to be a chemical transformation.

1

*Tariff heading and Description*

39.02 Polymerisation products made from one monomer (homopolymers), in the forms mentioned in Notes 3 (a) and 3 (b) to Chapter 39.

39.02 Other polymerisation and copolymerisation products, in the forms mentioned in Notes 3 (a) and 3 (b) in Chapter 39.

39.02 Polymerisation and copolymerisation products, in the forms mentioned in Notes 3 (c) and 3 (d) to Chapter 39.

2

*Qualifying process*

\*Manufacture from the monomer or from any material not being and not containing material which has been produced by polymerisation of the monomer, provided that either

(a) 50 per cent or more by weight of the monomer used is of Area origin

or

(b) the monomer used has been made in the Area by chemical transformation.

\*Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09), provided that all of any monomer which contributes 50 per cent or more by weight of the dry polymers and copolymers contained in the goods has been made in the Area by chemical transformation. If no one monomer contributes 50 per cent or more by weight of the dry polymers and copolymers contained in the goods each of any two or more monomers which together contribute 50 per cent or more by weight of the dry polymers and copolymers contained in the goods must have been made in the Area by chemical transformation.

Manufacture from materials falling in 39.02 which are in any form mentioned in Notes 3 (a) and 3 (b) to Chapter 39 or from materials not falling in Chapter 39, provided that both

(a) the process does not consist solely of agglomerating, or slicing, or sintering, or shaping by cutting tools, or any combination of these processes

and

(b) 50 per cent or more of the combined weight of the artificial resins and plasticisers used is of Area origin

or

\*Manufacture from monomers or from any material not being

\* "Chemical transformation" has the meaning given in the Introductory Notes to Chapter 29 except that curing (hardening) shall not be considered to be a chemical transformation.

1

*Tariff heading and Description*

39.02 Polymerisation and copolymerisation products—*cont.*

39.02 Unsupported film of whatever weight but not exceeding 0.15 millimetres in thickness, or of whatever thickness but not exceeding 150 grammes per square metre in weight, made of artificial resins, not of area origin, of one or more of the following descriptions, namely polyethylenes, ethylene copolymers or polypropylenes.

2

*Qualifying process*

and not containing material which has been produced by polymerisation of any monomer used, provided that either

(a) all of any monomer which contributes 50 per cent or more by weight of the dry polymers and copolymers contained in the goods has been made in the Area by chemical transformation. If no one monomer contributes 50 per cent or more by weight of the dry polymers and copolymers contained in the goods, each of any two or more monomers which together contribute 50 per cent or more by weight of the dry polymers and copolymers contained in the goods must have been made in the Area by chemical transformation

or

(b) 50 per cent or more by weight of the monomers used is of Area origin.

Manufacture from materials falling in 39.02 which are in any form mentioned in Notes 3 (a) and 3 (b) to Chapter 39 or from materials not falling in Chapter 39, subject to the following conditions:—

(a) the process of manufacture carried out in the area has not consisted solely of agglomerating, or slicing, or sintering, or shaping by cutting tools, or any combination of these processes

and

(b) the manufacturer has operated at all material times an accounting system approved in accordance with the requirements of Decision No. 20 adopted by the Council of the European Free Trade Association on 4th October 1960

and

(c) the manufacturer has exported to countries of the area similar unsupported

1

*Tariff heading and Description*39.02—*cont.*

2

*Qualifying process*

film made by him from artificial resins of area origin of the same descriptions as those used in making the goods, the invoices for the export of which similar unsupported film were dated not earlier than six months before the date of the invoice for the export of the goods to the United Kingdom, such film having undergone in the area the relevant qualifying process specified in this Schedule

and

- (d) the weight of artificial resin of a description specified in column 1 used in making the goods does not exceed the difference in weight between the artificial resin of that description of area origin referred to in (c) above and the artificial resin of the same description but not of area origin used in making any unsupported film in respect of which a Convention rate of duty has been charged by virtue of the export of the unsupported film referred to in (c) above.

39.03 Products of this heading (re-generated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose; vulcanised fibre), in the forms mentioned in Notes 3 (a) and 3 (b) to Chapter 39.

Manufacture from materials not falling in 39.03 and not being solutions of artificial resins (32.09).

39.03 Products of this heading (re-generated cellulose; cellulose nitrate, cellulose acetate and other cellulose esters, cellulose ethers and other chemical derivatives of cellulose; vulcanised fibre), in the forms mentioned in Notes 3 (c) and 3 (d) to Chapter 39.

Manufacture from materials falling in 39.03 which are in any form mentioned in Notes 3 (a) and 3 (b) to Chapter 39, or from materials not falling in Chapter 39, provided that both

- (a) the process does not consist solely of agglomerating without change in the degree of polymerisation, or slicing, or sintering, or shaping by

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
39.03— <i>cont.</i>	cutting tools, or any combination of these processes and
	(b) 50 per cent or more of the combined weight of the artificial resins and plasticisers used is of Area origin.
39.04 Hardened proteins (for example, hardened casein and hardened gelatin).	Manufacture from materials not falling in Chapter 39.
39.05 Natural resins modified by fusion (run gums); artificial resins obtained by esterification of natural resins or of resinic acids (ester gums); chemical derivatives of natural rubber (for example, chlorinated rubber, rubber hydrochloride, oxidised rubber, cyclised rubber).	Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09).
39.06 Other high polymers, artificial resins and artificial plastic materials, including alginic acid, its salts and esters; linoxyn.	Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09).
39.06 Heparin, pyrogen-free, containing at least 100 international units per milligramme.	Manufacture from heparin (39.06), containing less than 80 international units per milligramme, or from materials not falling in 39.06.
39.06 Dextran.	Manufacture from dextran (39.06), provided that the degree of polymerisation is reduced at least tenfold, or from materials not falling in 39.06.
39.07 Articles of materials of the kinds described in headings Nos. 39.01 to 39.06.	Manufacture from materials not falling in Chapter 39 and not being solutions of artificial resins (32.09) and not being materials which contain materials of Chapter 39
	or
	Manufacture from materials falling in 39.01 to 39.03, which are in any form (other than blocks) mentioned in Notes 3 (a) and 3 (b) to Chapter 39 or from materials falling in 39.04 to 39.06 or Chapter 32 or from materials not being and not containing materials of Chapter 39, provided that both
	(a) the process does not consist solely of agglomerating without change in the degree of polymerisation, or sintering, or a combination of these processes
	and
	(b) 50 per cent or more by weight of the artificial resins used is of Area origin.

1

*Tariff heading and Description*

39.07 Articles made wholly or partly of artificial resins, not of area origin, of one or more of the following descriptions, namely polyethylenes, ethylene copolymers, polypropylenes, polyamides 6\*, polyamides 6/6\*, polyamides 6/10\*, butadiene-toughened polystyrenes, styrene copolymers, cellulose acetates or cellulose nitrates.

2

*Qualifying process*

Manufacture from materials falling in 39.01 to 39.03, which are in any form (other than blocks) mentioned in Notes 3 (a) and 3 (b) to Chapter 39 or from materials falling in 39.04 to 39.06 or Chapter 32 or from materials not being and not containing materials of Chapter 39, subject to the following conditions:—

(a) the process of manufacture carried out in the area has not consisted solely of agglomerating without change in the degree of polymerisation, or sintering, or a combination of these processes

and

(b) the manufacturer has operated at all material times an accounting system approved in accordance with the requirements of Decision No. 20 adopted by the Council of the European Free Trade Association on 4th October, 1960

and

(c) the manufacturer has exported to countries of the area articles falling in 39.07, made by him from artificial resins of area origin of the same descriptions as those used in making the goods, the invoices for the export of which articles were dated not earlier than six months before the date of the invoice for the export of the goods to the United Kingdom, such articles having undergone in the area the relevant qualifying process specified in this Schedule

and

(d) the weight of artificial resin of a description specified in column 1 used in making the goods does not exceed the difference in weight between the artificial resin

\* Polyamides 6, polyamides 6/6 and polyamides 6/10 are to be treated as artificial resins of the same description.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
39.07— <i>cont.</i>	of that description of area origin referred to in (c) above and the artificial resin of the same description but not of area origin used in making any articles in respect of which a Convention rate of duty has been charged by virtue of the export of the articles referred to in (c) above.

## CHAPTER 40

## RUBBER, SYNTHETIC RUBBER, FACTICE, AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
40.03 Reclaimed rubber.	Manufacture from materials not falling in 40.03.
40.04 Powder obtained from waste or scrap of unhardened rubber.	Manufacture from materials not being powder of unhardened rubber (40.04).
40.05 Plates, sheets and strip, of unvulcanised natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No. 40.01 or 40.02; granules of unvulcanised natural or synthetic rubber compounded ready for vulcanisation; unvulcanised natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch.	Manufacture from materials not falling in 40.05.
40.06 Unvulcanised natural or synthetic rubber, including rubber latex, in other forms or states (for example, rods, tubes and profile shapes, solutions and dispersions); articles of unvulcanised natural or synthetic rubber, other than coated or impregnated textile thread.	Manufacture from materials not falling in 40.05 or 40.06.
40.07 Vulcanised rubber thread and cord, whether or not textile covered, and textile thread covered or impregnated with vulcanised rubber.	Manufacture from materials not falling in 40.05 to 40.16.

<i>Tariff heading and Description</i>	<i>Qualifying process</i>
1	2
40.08 Plates, sheets, strip, rods and profile shapes, of unhardened vulcanised rubber.	Manufacture from materials not falling in 40.05 to 40.16.
40.09 Piping and tubing, of unhardened vulcanised rubber.	Manufacture from materials not falling in 40.05 to 40.16.
40.10 Transmission, conveyor or elevator belts or belting, of vulcanised rubber, not containing textiles.	Manufacture from materials not falling in 40.05 to 40.16.
40.11 Rubber tyres, tyre cases, interchangeable tyre treads, inner tubes and tyre flaps, for wheels of all kinds.	Manufacture from materials not falling in 40.05 to 40.16.
40.12 Hygienic and pharmaceutical articles (including teats), of unhardened vulcanised rubber, with or without fittings of hardened rubber.	Manufacture from materials not falling in 40.05 to 40.16.
40.13 Articles of apparel and clothing accessories (including gloves), for all purposes, of unhardened vulcanised rubber.	Manufacture from materials not falling in 40.05 to 40.16.
40.14 Other articles of unhardened vulcanised rubber.	Manufacture from materials not falling in 40.05 to 40.16.
40.15 Hardened rubber (ebonite and vulcanite), in bulk, plates, sheets, strip, rods, profile shapes or tubes.	Manufacture from materials not falling in 40.05 to 40.16.
40.15 Powder of hardened rubber.	Manufacture from materials not being powder of hardened rubber (40.15).
40.16 Articles of hardened rubber (ebonite and vulcanite).	Manufacture from materials not falling in 40.05 to 40.16.

## CHAPTER 41

## RAW HIDES AND SKINS (OTHER THAN FURSKINS) AND LEATHER

<i>Tariff heading and Description</i>	<i>Qualifying process</i>
1	2
41.01 Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool.	Removal from animals.
41.02 Bovine cattle leather (including buffalo leather) and equine leather, except leather falling within heading No. 41.06, 41.07 or 41.08.	Manufacture from materials not falling in 41.02 to 41.08 or, by processes which must include stripping and re-tanning and setting and toggling (or paste drying) and finishing, from rough vegetable-tanned leather of the East India type in whole hides or skins or sides (41.02).



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
41.03 Sheep and lamb skin leather, except leather falling within heading No. 41.06, 41.07 or 41.08.	Manufacture from materials not falling in 41.02 to 41.08 or, by processes which must include stripping and re-tanning and setting and toggling (or paste drying) and finishing, from rough vegetable-tanned leather of the East India type falling in 41.03.
41.04 Goat and kid skin leather, except leather falling within heading No. 41.06, 41.07 or 41.08.	Manufacture from materials not falling in 41.02 to 41.08 or, by processes which must include stripping and re-tanning and setting and toggling (or paste drying) and finishing, from rough vegetable-tanned leather of the East India type falling in 41.04.
41.05 Other kinds of leather, except leather falling within heading No. 41.06, 41.07 or 41.08.	Manufacture from materials not falling in 41.02 to 41.08 or, by processes which must include stripping and re-tanning and setting and toggling (or paste drying) and finishing, from rough vegetable-tanned leather of the East India type falling in 41.05.
41.06 Chamois-dressed leather.	Manufacture from materials not falling in 41.02 to 41.08.
41.07 Parchment-dressed leather.	Manufacture from materials not falling in 41.02 to 41.08.
41.08 Patent leather and imitation patent leather ; metallised leather.	Manufacture from materials not falling in 41.02 to 41.08 or, by processes which must include stripping and re-tanning and setting and toggling (or paste drying) and finishing, from rough vegetable-tanned leather of the East India type in whole hides or skins or sides (41.02) or rough vegetable-tanned leather of the East India type falling in 41.03 to 41.05.
41.09 Leather dust, powder and flour.	Manufacture from materials not being leather dust, powder or flour (41.09).
41.09 Parings and other waste, of leather or of composition or parchment-dressed leather, not suitable for the manufacture of articles of leather.	Manufacture from materials not falling in 41.09.
41.10. Composition leather with a basis of leather or leather fibre, in slabs, in sheets or in rolls.	Manufacture from materials not falling in 41.10.

## CHAPTER 42

## ARTICLES OF LEATHER ; SADDLERY AND HARNESS ; TRAVEL GOODS, HANDBAGS AND SIMILAR CONTAINERS ; ARTICLES OF ANIMAL GUT (OTHER THAN SILK-WORM GUT

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
42.01 Saddlery and harness, of any material (for example, saddles, harness, collars, traces, knee-pads and boots), for any kind of animal.	Manufacture from materials not falling in Chapter 42.
42.02 Travel goods (for example, trunks, suit-cases, hat-boxes, travelling-bags, rucksacks), shopping-bags, handbags, satchels, brief-cases, wallets, purses, toilet-cases, tool-cases, tobacco-pouches, sheaths, cases, boxes (for example, for arms, musical instruments, binoculars, jewellery, bottles, collars, footwear, brushes) and similar containers, of leather or of composition leather, of vulcanised fibre, of artificial plastic sheeting, of paperboard or of textile fabric.	Manufacture from materials not falling in Chapter 42.
42.03 Articles of apparel and clothing accessories, of leather or of composition leather.	Manufacture from materials not falling in Chapter 42.
42.04 Articles of leather or of composition leather of a kind used in machinery or mechanical appliances or for industrial purposes.	Manufacture from materials not falling in Chapter 42.
42.06 Articles made from gut (other than silk-worm gut), from goldbeater's skin, from bladders or from tendons.	Manufacture from materials not falling in Chapter 42.

## CHAPTER 43

## FURSKINS AND ARTIFICIAL FUR ; MANUFACTURES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
43.01 Raw furskins.	Removal from animals.
43.02 Furskins, tanned or dressed, including furskins assembled in plates, crosses and similar forms ; pieces or cuttings, of furskin, tanned or dressed, including heads, paws, tails and the like (not being fabricated).	Manufacture from materials not falling in 43.02 or 43.03.
43.03 Articles of furskin.	Manufacture from materials not falling in 43.03 and not being furskins assembled in plates, crosses or similar forms (43.02).
43.04 Artificial fur and articles made thereof.	Manufacture from materials not falling in 43.04.

## CHAPTER 44

## WOOD AND ARTICLES OF WOOD ; WOOD CHARCOAL

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
44.02 Wood charcoal (including shell and nut charcoal), agglomerated or not.	Manufacture from materials not falling in 44.02.
44.04 Wood, roughly squared or half-squared, but not further manufactured.	Manufacture from materials not falling in 44.04.
44.05 Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding five millimetres.	Manufacture from materials not falling in 44.05.
44.06 Wood paving blocks.	Manufacture from materials not falling in 44.06.
44.07 Railway or tramway sleepers of wood.	Manufacture from materials not falling in 44.07.
44.08 Riven staves of wood, not further prepared than sawn on one principal surface ; sawn staves of wood, of which at least one principal surface has been cylindrically sawn, not further prepared than sawn.	Manufacture from materials not falling in 44.08.
44.09 Hoopwood ; split poles ; piles, pickets and stakes of wood, pointed but not sawn lengthwise ; chipwood ; wood chips of a kind suitable for use in the manufacture of vinegar or for the clarification of liquids.	Manufacture from materials not falling in 44.09.
44.10 Wooden sticks, roughly trimmed but not turned, bent nor otherwise worked, suitable for the manufacture of walking-sticks, whips, golf club shafts, umbrella handles, tool handles or the like.	Manufacture from materials not falling in 44.10.
44.11 Drawn wood ; match splints ; wooden pegs or pins for footwear.	Manufacture from materials not falling in 44.11.
44.12 Wood wool and wood flour.	Manufacture from materials not falling in 44.12.
44.13 Wood (including blocks, strips and friezes for parquet or wood block flooring, not assembled), planed, tongued, grooved, rebated, chamfered, V-jointed, centre V-jointed, beaded, centre-beaded or the like, but not further manufactured.	Manufacture from materials not falling in 44.13.
44.14 Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness not exceeding five millimetres ; veneer sheets and sheets for plywood, of a thickness not exceeding five millimetres.	Manufacture from materials not falling in 44.14.

1

*Tariff heading and Description*

- 44.15. Plywood, blockboard, laminboard, battenboard and similar laminated wood products (including veneered panels and sheet); inlaid wood and wood marquetry.
- 44.16. Cellular wood panels, whether or not faced with base metal.
- 44.17 "Improved" wood, in sheets, blocks or the like.
- 44.18 Reconstituted wood, being wood shavings, wood chips, sawdust, wood flour or other ligneous waste agglomerated with natural or artificial resins or other organic binding substances, in sheets, blocks or the like.
- 44.19 Wooden beadings and mouldings, including moulded skirting and other moulded boards.
- 44.20 Wooden picture frames, photograph frames, mirror frames and the like.
- 44.21 Complete wooden packing cases, boxes, crates, drums and similar packings imported assembled, un-assembled or partly assembled.
- 44.22 Casks, barrels, vats, tubs, buckets and other coopers' products and parts thereof, of wood, other than staves falling within heading No. 44.08.
- 44.23 Builders' carpentry and joinery (including prefabricated and sectional buildings and assembled parquet flooring panels).
- 44.24 Household utensils of wood.
- 44.25 Wooden tools, tool bodies, tool handles, broom and brush bodies and handles; boot and shoe lasts and trees, of wood.
- 44.25 Boot and shoe lasts.
- 44.26 Spools, cops, bobbins, sewing thread reels and the like, of turned wood.

2

*Qualifying process*

- Manufacture from materials not falling in 44.15.
- Manufacture from materials not falling in 44.15 or 44.16.
- Manufacture from materials not falling in 44.17.
- Manufacture from materials not falling in 44.18.
- Manufacture from materials not falling in 44.19.
- Manufacture from materials not falling in 44.19 or 44.20.
- Manufacture from materials not falling in 44.21.
- Manufacture from materials not falling in 44.22.
- Manufacture from materials not falling in 44.23.
- Manufacture from materials not falling in 44.24.
- Manufacture from materials not falling in 44.25.
- Manufacture from last blocks roughly shaped by sawing or turning and not containing metal parts (44.25) or from materials not falling in 44.25.
- Manufacture from materials not falling in 44.26.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
44.27 Standard lamps, table lamps and other lighting fittings, of wood; articles of furniture, of wood, not falling within Chapter 94; caskets, cigarette boxes, trays, fruit bowls, ornaments and other fancy articles, of wood; cases for cutlery, for drawing instruments or for violins, and similar receptacles, of wood; articles of wood for personal use or adornment, of a kind normally carried in the pocket, in the hand-bag or on the person; parts of the foregoing articles, of wood.	Manufacture from materials not falling in 44.27.
44.28 Other articles of wood.	Manufacture from materials not falling in 44.28.

## CHAPTER 45

## CORK AND ARTICLES OF CORK

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
45.02 Natural cork in the form of rectangular blocks, plates, sheets or strips (including cubes or square slabs, cut to size for corks or stoppers).	Manufacture from materials not falling in 45.02.
45.03 Articles of natural cork.	Manufacture from materials not falling in 45.02 or 45.03.
45.04 Agglomerated cork (being cork agglomerated with or without a binding substance) and articles of agglomerated cork.	Manufacture from materials not falling in 45.04.

## CHAPTER 46

MANUFACTURES OF STRAW, OF ESPARTO AND OF OTHER PLAITING MATERIALS;  
BASKETWARE AND WICKERWORK

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
46.01 Plaits and similar products of plaiting materials, for all uses, whether or not assembled into strips.	Manufacture from materials not falling in 46.01.
46.01 Plaits and similar products of plaiting materials other than materials falling in Chapter 39, bleached or dyed whether or not assembled into strips.	Manufacture from unbleached and undyed plaits (46.01) or from materials not falling in 46.01.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
46.02 Plaiting materials bound together in parallel strands or woven, in sheet form, including matting, mats and screens; straw envelopes for bottles.	Manufacture from materials not falling in 46.02.
46.03 Basketwork, wickerwork and other articles of plaiting materials made directly to shape; articles made up from goods falling within heading No. 46.01 or 46.02; articles of loofah.	Manufacture from materials not falling in 46.03.

## CHAPTER 47

## PAPER-MAKING MATERIAL

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
47.01. Pulp derived by mechanical or chemical means from any fibrous vegetable material.	Manufacture from materials not falling in 47.01.

## CHAPTER 48

## PAPER AND PAPERBOARD ; ARTICLES OF PAPER PULP, OF PAPER OR OF PAPERBOARD

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
48.01. Paper and paperboard (including cellulose wadding), machine-made, in rolls or sheets.	Manufacture from materials not falling in Chapter 48.
48.02 Hand-made paper and paperboard.	Manufacture from materials not falling in Chapter 48.
48.03 Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets.	Manufacture from materials not falling in Chapter 48.
48.04 Composite paper or paperboard (made by sticking flat layers together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets.	Manufacture from materials not falling in Chapter 48.
48.05 Paper and paperboard, corrugated (with or without flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets.	Manufacture from materials not falling in Chapter 48.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
48.06 Paper and paperboard, ruled, lined or squared, but not otherwise printed, in rolls or sheets.	Manufacture from materials not falling in Chapter 48.
48.07 Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not being merely ruled, lined or squared and not constituting printed matter within Chapter 49), in rolls or sheets.	Manufacture from materials not falling in Chapter 48.
48.07 Tarred roofing paper (whether or not sand-covered).	Manufacture from materials not falling in 48.07.
48.08 Filter blocks, slabs and plates, of paper pulp.	Manufacture from materials not falling in Chapter 48.
48.09 Building board of wood pulp or of vegetable fibre, whether or not bonded with natural or artificial resins or with similar binders.	Manufacture from materials not falling in Chapter 48.
48.10 Cigarette paper, cut to size, whether or not in the form of booklets or tubes.	Manufacture from materials not falling in 48.01, 48.02 or 48.07 by processes not consisting solely of cutting to size or cutting to shape or folding or any combination of these processes, or from materials not falling in Chapter 48.
48.11 Wallpaper and lincrusta; window transparencies of paper.	Manufacture from materials falling in 48.01 to 48.07, by processes not consisting solely of perforating or cutting to size or cutting to shape or any combination of these processes, or from materials not falling in Chapter 48.
48.12 Floor coverings prepared on a base of paper or of paperboard, whether or not cut to size, with or without a coating of linoleum compound.	Manufacture from materials falling in 48.01 to 48.07, by processes not consisting solely of cutting to size or cutting to shape or a combination of these processes, or from materials not falling in Chapter 48.
48.13 Carbon and other copying papers (including duplicator stencils) and transfer papers, cut to size, whether or not put up in boxes.	Manufacture from materials falling in 48.01 to 48.07, by processes not consisting solely of cutting to size or cutting to shape or packing or any combination of these processes, or from materials falling in 48.16 or from materials not falling in Chapter 48.

1

*Tariff heading and Description*

- 48.14 Writing blocks, envelopes, plain letter cards, plain postcards, correspondence cards; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing only an assortment of paper stationery.
- 48.15 Other paper and paperboard (including cellulose wadding), cut to size or shape.
- 48.15 Toilet paper.
- 48.16 Boxes, bags and other packing containers, of paper or paperboard.
- 48.17 Box files, letter trays, storage boxes and similar articles, of paper or paperboard, of a kind commonly used in offices, shops and the like.
- 48.18 Registers, exercise books, note books, memorandum blocks, order books, receipt books, diaries, blotting-pads, binders (loose-leaf or other), file covers and other stationery of paper or paperboard; sample and other albums and book covers, of paper or paperboard.
- 48.19 Paper or paperboard labels, whether or not printed or gummed.
- 48.20 Bobbins, spools, cops and similar supports of paper pulp, paper or paperboard (whether or not perforated or hardened).
- 48.21 Other articles of paper pulp, paper, paperboard or cellulose wadding, other than sanitary towels.
- 48.21 Sanitary towels.

2

*Qualifying process*

Manufacture from materials falling in 48.01 to 48.07, by processes not consisting solely of cutting to size or cutting to shape or folding or packing or any combination of these processes, or from materials falling in 48.16 or from materials not falling in Chapter 48.

Manufacture from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.07 or from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.09 or from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.09 or from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.07 or from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.07, by processes not consisting solely of perforating or cutting to size or cutting to shape or folding or packing or any combination of these processes, or from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.07 or from materials not falling in Chapter 48.

Manufacture from materials falling in 48.01 to 48.07, by processes not consisting solely of perforating or cutting to size or cutting to shape or folding or packing or any combination of these processes, or from materials not falling in Chapter 48.

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in 48.21 or Chapters 50 to 62.



## CHAPTER 49

PRINTED BOOKS, NEWSPAPERS, PICTURES AND OTHER PRODUCTS OF THE  
PRINTING INDUSTRY ; MANUSCRIPTS, TYPESCRIPTS AND PLANS

1

*Tariff heading and Description*

- 49.01 Printed books, booklets, brochures, pamphlets and leaflets.
- 49.02 Newspapers, journals and periodicals, whether or not illustrated.
- 49.03 Children's picture books and painting books.
- 49.04 Music, printed or in manuscript, whether or not bound or illustrated.
- 49.05 Maps and hydrographic and similar charts of all kinds, including atlases, wall maps and topographical plans, printed ; printed globes (terrestrial or celestial).
- 49.06 Plans and drawings, for industrial, architectural, engineering, commercial or similar purposes, whether original or reproductions on sensitised paper ; manuscripts and typescripts.
- 49.07 Unused postage, revenue and similar stamps of current or new issue in the country to which they are destined ; paper impressed with such stamps ; banknotes, stock, share and bond certificates and similar documents of title ; cheque books and cheque forms.
- 49.08 Transfers.
- 49.09 Picture postcards and pictorial greeting cards, printed, with or without trimmings.
- 49.10 Calendars of any kind, of paper or paperboard, including calendar blocks.
- 49.11 Other printed matter, including printed pictures and photographs.

2

*Qualifying process*

- Manufacture from materials not falling in Chapter 49.
- Manufacture from materials not falling in Chapter 49.
- Manufacture from materials not falling in Chapter 49.
- Manufacture from materials not falling in Chapter 49.
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- Manufacture from materials not falling in Chapter 49.
- Manufacture from materials not falling in Chapter 49.

## CHAPTER 53

## WOOL AND OTHER ANIMAL HAIR

1

*Tariff heading and Description*

- 53.01 Sheep's or lambs' wool, not carded or combed.
- 53.02 Other animal hair (fine or coarse), not carded or combed.

2

*Qualifying process*

- Removal from skin or washing or degreasing or carbonising.
- Removal from skin or washing or degreasing or carbonising.

## CHAPTER 59

WADDING AND FELT ; TWINE, CORDAGE, ROPES AND CABLES ; SPECIAL FABRICS ;  
IMPREGNATED AND COATED FABRICS ; TEXTILE ARTICLES OF A KIND SUITABLE  
FOR INDUSTRIAL USE

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
59.10 Linoleum and materials prepared on a textile base in a similar manner to linoleum, whether or not cut to shape or of a kind used as floor coverings ; floor coverings consisting of a coating applied on a textile base, cut to shape or not.	Manufacture from materials not falling in 59.10.
59.11 Plates, sheets and strip of expanded, foam or sponge rubber combined with textile fabric.	Manufacture from materials not falling in 40.05 to 40.16 or 59.11.

## CHAPTER 64

## FOOTWEAR, GAITERS AND THE LIKE ; PARTS OF SUCH ARTICLES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
64.01 Footwear with outer soles and uppers of rubber or artificial plastic material.	Manufacture from materials not falling in Chapter 64.
64.02 Footwear with outer soles of leather or composition leather ; footwear (other than footwear falling within heading No. 64.01) with outer soles of rubber or artificial plastic material.	Manufacture from materials not falling in Chapter 64.
64.03 Footwear with outer soles of wood or cork.	Manufacture from materials not falling in Chapter 64.
64.04 Footwear with outer soles of other materials.	Manufacture from materials not falling in Chapter 64.
64.05 Soles and heels of leather.	Manufacture from materials not falling in 41.02 to 41.08 or 64.05 or Chapter 42.
64.05 Other parts of footwear.	Manufacture from materials not falling in 64.05.
64.06 Gaiters, spats, leggings, puttees, cricket pads, shin-guards and similar articles, and parts thereof.	Manufacture from materials not falling in Chapter 64.

## CHAPTER 65

## HEADGEAR AND PARTS THEREOF

1

*Tariff heading and Description*

- 65.01 Hat forms, hat bodies and hoods of felt, neither blocked to shape nor with made brims; plateaux and manchons (including slit manchons), of felt.
- 65.02 Hat-shapes, plaited or made from plaited or other strips of any material (other than materials of the kinds falling in Chapters 39 and 50 to 62), bleached or dyed, neither blocked to shape nor with made brims.
- 65.04 Hats and other headgear, plaited or made from plaited or other strips of any material, whether or not lined or trimmed.

2

*Qualifying process*

- Manufacture from unfelted fibres (Chapters 50 to 57) or from materials not falling in Chapters 50 to 62 or 65.
- Manufacture from unbleached and undyed hat-shapes (65.02) or from materials not falling in 65.02.
- Manufacture from materials not falling in 65.04.

## CHAPTER 66

## UMBRELLAS, SUNSHADES, WALKING-STICKS, WHIPS, RIDING-CROPS AND PARTS THEREOF

1

*Tariff heading and Description*

- 66.01 Umbrellas and sunshades (including walking-stick umbrellas, umbrella tents, and garden and similar umbrellas).
- 66.02 Walking-sticks (including climbing-sticks and seat-sticks), canes, whips, riding-crops and the like.
- 66.03 Parts, fittings, trimmings and accessories of articles falling within heading No. 66.01 or 66.02.

2

*Qualifying process*

- Manufacture from materials not falling in 66.01 and not being umbrella or sunshade covers (62.05).
- Manufacture from materials not falling in Chapter 66.
- Manufacture from materials not falling in Chapter 66.

## CHAPTER 67

## PREPARED FEATHERS AND DOWN AND ARTICLES MADE OF FEATHERS OR OF DOWN; ARTIFICIAL FLOWERS; ARTICLES OF HUMAN HAIR; FANS

1

*Tariff heading and Description*

- 67.01 Skins and other parts of birds with their feathers or down, feathers, parts of feathers, down, and articles thereof (other than goods falling within heading No. 05.07 and worked quills and scapes).

2

*Qualifying process*

- Manufacture from materials not falling in 67.01.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
67.02 Artificial flowers, foliage or fruit and parts thereof; articles made of artificial flowers, foliage or fruit.	Manufacture from materials not falling in 67.02.
67.03 Human hair, dressed, thinned, bleached or otherwise worked; wool or other animal hair prepared for use in making wigs and the like.	Manufacture from materials not falling in 67.03.
67.04 Wigs, false beards, hair pads, curls, switches and the like, of human or animal hair or of textiles; other articles of human hair (including hair nets).	Manufacture from materials not falling in 67.04.
67.05 Fans and hand screens, non-mechanical, of any material; frames and handles therefor and parts of such frames and handles, of any material.	Manufacture from materials not falling in 67.05.

## CHAPTER 68

ARTICLES OF STONE, OF PLASTER, OF CEMENT, OF ASBESTOS, OF MICA  
AND OF SIMILAR MATERIALS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
68.01 Road and paving setts, curbs and flagstones, of natural stone (except slate).	Manufacture from materials not falling in 68.01.
68.02 Worked monumental or building stone, and articles thereof (including mosaic cubes), other than goods falling within heading No. 68.01 or within Chapter 69.	Manufacture from materials not falling in 68.02.
68.03 Worked slate and articles of slate, including articles of agglomerated slate.	Manufacture from materials not falling in 68.03.
68.04 Millstones, grindstones, grinding wheels and the like (including grinding, sharpening, polishing, trueing and cutting wheels, heads, discs and points), of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery, with or without cores, shanks, sockets, axles and the like of other materials, but not mounted on frameworks; segments and other finished parts of such stones and wheels, of natural stone (agglomerated or not), of agglomerated natural or artificial abrasives, or of pottery.	Manufacture from materials not falling in 68.04.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
68.05 Hand polishing stones, whetstones, oilstones, hones and the like, of natural stone, of agglomerated natural or artificial abrasives, or of pottery.	Manufacture from materials not falling in 68.05.
68.06 Natural or artificial abrasive powder or grain, on a base of woven fabric, of paper, of paper-board or of other materials, whether or not cut to shape or sewn or otherwise made up.	Manufacture from materials not falling in 68.06.
68.07 Slag wool, rock wool and similar mineral wools; exfoliated vermiculite, expanded clays, foamed slag and similar expanded mineral materials; mixtures and articles of heat-insulating, sound-insulating, or sound-absorbing mineral materials, other than those falling in heading No. 68.12 or 68.13, or in Chapter 69.	Manufacture from materials not falling in 68.07.
68.08 Articles of asphalt or of similar material (for example, of petroleum bitumen or coal tar pitch).	Manufacture from materials not falling in 68.08.
68.09 Panels, boards, tiles, blocks and similar articles of vegetable fibre, of wood fibre, of straw, of wood shavings or of wood waste (including sawdust), agglomerated with cement, plaster or with other mineral binding substances.	Manufacture from materials not falling in 68.09.
68.10 Articles of plastering material.	Manufacture from materials not falling in 68.10.
68.11 Articles of cement (including slag cement), of concrete or of artificial stone (including granulated marble agglomerated with cement), reinforced or not.	Manufacture from materials not falling in 68.11.
68.12 Articles of asbestos-cement, of cellulose fibre-cement or the like.	Manufacture from materials not falling in 68.12.
68.13 Fabricated asbestos and articles thereof (for example, asbestos board, thread and fabric; asbestos clothing, asbestos jointing), reinforced or not, other than goods falling within heading No. 68.14; mixtures with a basis of asbestos and mixtures of, or with a basis of, asbestos and magnesium carbonate, and articles of such mixtures.	Manufacture from materials not falling in 68.13.
68.13 Asbestos clothing, ready for wear.	Manufacture from asbestos thread or unshaped fabric (68.13) or from materials not falling in 68.13.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
68.13 Gaskets and similar joints of asbestos.	Manufacture from asbestos thread (68.13) or from materials not falling in 68.13.
68.14 Friction material (segments, discs, washers, strips, sheets, plates, rolls and the like) of a kind suitable for brakes, for clutches or the like, with a basis of asbestos, other mineral substances or of cellulose, whether or not combined with textile or other materials.	Manufacture from materials not falling in 68.14.
68.15 Worked mica and articles of mica, including bonded mica splittings on a support of paper or fabric (for example, micanite and micafolium).	Manufacture from materials not falling in 68.15.
68.16 Articles of stone or of other mineral substances (including articles of peat), not elsewhere specified or included.	Manufacture from materials not falling in 68.16.

## CHAPTER 69

## CERAMIC PRODUCTS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
69.01 Heat-insulating bricks, blocks, tiles and other heat-insulating goods of infusorial earths, of kieselguhr, of siliceous fossil meal or of similar siliceous earths.	Manufacture from materials not falling in Chapter 69.
69.02 Refractory bricks, blocks, tiles and similar refractory constructional goods, other than goods falling within heading No. 69.01.	Manufacture from materials not falling in Chapter 69.
69.03 Other refractory goods (for example, retorts, crucibles, muffles, nozzles, plugs, supports, cupels, tubes, pipes, sheaths and rods), other than goods falling within heading No. 69.01.	Manufacture from materials not falling in Chapter 69.
69.04 Building bricks (including flooring blocks, support or filler tiles and the like).	Manufacture from materials not falling in Chapter 69.
69.05 Roofing tiles, chimney-pots, cowls, chimney-liners, cornices and other constructional goods, including architectural ornaments.	Manufacture from materials not falling in Chapter 69.
69.06 Piping, conduits and guttering (including angles, bends and similar fittings).	Manufacture from materials not falling in Chapter 69.
69.07 Unglazed setts, flags and paving, hearth and wall tiles.	Manufacture from materials not falling in Chapter 69.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
69.08 Glazed setts, flags and paving, hearth and wall tiles.	Manufacture from materials not falling in Chapter 69.
69.09 Laboratory, chemical or industrial wares; troughs, tubs and similar receptacles of a kind used in agriculture; pots, jars and similar articles of a kind commonly used for the conveyance or packing of goods.	Manufacture from materials not falling in Chapter 69.
69.10 Sinks, wash basins, bidets, water closet pans, urinals, baths and like sanitary fittings.	Manufacture from materials not falling in Chapter 69.
69.11 Tableware and other articles of a kind commonly used for domestic or toilet purposes, of porcelain or china (including biscuit porcelain and parian).	Manufacture from materials not falling in Chapter 69.
69.12 Tableware and other articles of a kind commonly used for domestic or toilet purposes, of other kinds of pottery.	Manufacture from materials not falling in Chapter 69.
69.13 Statuettes and other ornaments, and articles of personal adornment; articles of furniture.	Manufacture from materials not falling in Chapter 69.
69.14 Other articles.	Manufacture from materials not falling in Chapter 69.

## CHAPTER 70

## GLASS AND GLASSWARE

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
70.01 Glass in the mass (excluding optical glass).	Manufacture from waste glass (cullet) (70.01) or materials not falling in 70.01.
70.02 Glass of the variety known as "enamel" glass, in the mass, rods and tubes.	Manufacture from materials not falling in 70.02.
70.03 Glass in balls, rods and tubes, unworked (not being optical glass).	Manufacture from materials not falling in 70.03 to 70.21.
70.04 Unworked cast or rolled glass (including flashed or wired glass), whether figured or not, in rectangles.	Manufacture from materials not falling in 70.03 to 70.21.
70.05 Unworked drawn or blown glass (including flashed glass), in rectangles.	Manufacture from materials not falling in 70.03 to 70.21.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
70.06 Cast, rolled, drawn or blown glass (including flashed or wired glass) in rectangles, surface ground or polished, but not further worked.	Manufacture from materials not falling in 70.03 to 70.21.
70.07 Cast, rolled, drawn or blown glass (including flashed or wired glass) cut to shape other than rectangular shape, or bent or otherwise worked (for example, edge worked or engraved), whether or not surface ground or polished; multiple-walled insulating glass; leaded lights and the like.	Manufacture from materials not falling in 70.03 to 70.21.
70.08 Safety glass consisting of toughened or laminated glass, shaped or not.	Manufacture from materials not falling in 70.07 or 70.08.
70.09 Glass mirrors (including rear-view mirrors), unframed, framed or backed.	Manufacture from materials not falling in 70.03 to 70.21.
70.10 Carboys, bottles, jars, pots, tubular containers and similar containers, of glass, of a kind commonly used for the conveyance or packing of goods; stoppers and other closures, of glass.	Manufacture from materials not falling in 70.03 to 70.21.
70.11 Glass envelopes (including bulbs and tubes) for electric lamps, electronic valves or the like.	Manufacture from materials not falling in 70.03 to 70.21.
70.12 Glass inners for vacuum flasks or for other vacuum vessels, and blanks therefor.	Manufacture from materials not falling in 70.03 to 70.21.
70.13 Glassware (other than articles falling in heading No. 70.19) of a kind commonly used for table, kitchen, toilet or office purposes, for indoor decoration, or for similar uses.	Manufacture from materials not falling in 70.03 to 70.21.
70.14 Illuminating glassware, signalling glassware and optical elements of glass, not optically worked nor of optical glass.	Manufacture from materials not falling in 70.03 to 70.21.
70.15 Clock and watch glasses and similar glasses (including glass of a kind used for sunglasses but excluding glass suitable for corrective lenses), curved, bent, hollowed and the like; glass spheres and segments of spheres, of a kind used for the manufacture of clock and watch glasses and the like.	Manufacture from materials not falling in 70.03 to 70.21.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
70.16 Bricks, tiles, slabs, paving blocks, squares and other articles of pressed or moulded glass, of a kind commonly used in building; multi-cellular glass in blocks, slabs, plates, panels and similar forms.	Manufacture from materials not falling in 70.03 to 70.21.
70.17 Laboratory, hygienic and pharmaceutical glassware, whether or not graduated or calibrated; glass ampoules.	Manufacture from materials not falling in 70.05 to 70.21.
70.18 Optical glass and elements of optical glass, other than optically worked elements; blanks for corrective spectacle lenses.	Manufacture from materials not falling in 70.03 to 70.21.
70.19 Glass beads, imitation pearls, imitation precious and semi-precious stones, fragments and chippings, and similar fancy or decorative glass smallwares, and articles of glassware made therefrom; glass cubes and small glass plates, whether or not on a backing, for mosaics and similar decorative purposes; artificial eyes, of glass, including those for toys but excluding those for wear by humans; ornaments and other fancy articles of lamp-worked glass; glass grains (ballotini).	Manufacture from materials not falling in 70.03 to 70.21.
70.20 Glass fibre (including wool), yarns, fabrics, and articles made therefrom.	Manufacture from materials not falling in 70.04 to 70.21.
70.21 Other articles of glass.	Manufacture from materials not falling in 70.05 to 70.21.

## CHAPTER 71

## PEARLS, PRECIOUS AND SEMI-PRECIOUS STONES, PRECIOUS METALS, ROLLED PRECIOUS METALS, AND ARTICLES THEREOF; IMITATION JEWELLERY

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
71.01 Pearls, worked, but not mounted, set or strung (except ungraded pearls temporarily strung for convenience of transport).	Manufacture from unworked pearls (71.01) or from materials not falling in 71.01.
71.02 Precious and semi-precious stones, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport).	Manufacture from unworked stones (71.02) or from materials not falling in 71.02.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
71.03 Synthetic or reconstructed precious or semi-precious stones, unworked, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport).	Manufacture from materials not falling in 71.03.
71.04 Dust and powder of natural or synthetic precious or semi-precious stones.	Manufacture from materials not falling in 71.04.
71.05 Unwrought silver.	Manufacture from materials not falling in 71.05.
71.05 Silver, including silver gilt and platinum-plated silver, semi-manufactured.	Manufacture from unwrought silver (71.05) or from materials not falling in 71.05.
71.06 Rolled silver, unworked or semi-manufactured.	Manufacture from materials not falling in 71.06.
71.07 Unwrought gold.	Manufacture from materials not falling in 71.07.
71.07 Gold, including platinum-plated gold, semi-manufactured.	Manufacture from unwrought gold (71.07) or from materials not falling in 71.07.
71.08 Rolled gold on base metal or silver, unworked or semi-manufactured.	Manufacture from materials not falling in 71.08.
71.09 Platinum and other metals of the platinum group, unwrought.	Manufacture from materials not falling in 71.09.
71.09 Platinum and other metals of the platinum group, semi-manufactured.	Manufacture from unwrought platinum or other unwrought metals of the platinum group (71.09) or from materials not falling in 71.09.
71.10 Rolled platinum or other platinum group metals, on base metal or precious metal, unworked or semi-manufactured.	Manufacture from materials not falling in 71.10.
71.12 Articles of jewellery and parts thereof, of precious metal or rolled precious metal.	Manufacture from materials not falling in 71.12 to 71.15.
71.13 Articles of goldsmiths' or silver-smiths' wares and parts thereof, of precious metal or rolled precious metal, other than goods falling within heading No. 71.12.	Manufacture from materials not falling in 71.12 to 71.15.
71.14 Other articles of precious metal or rolled precious metal.	Manufacture from materials not falling in 71.12 to 71.15.
71.15 Articles consisting of, or incorporating, pearls, precious or semi-precious stones (natural, synthetic or reconstructed).	Manufacture from materials not falling in 71.12 to 71.15.
71.16 Imitation jewellery.	Manufacture from materials not falling in 71.16.

## CHAPTER 72

## COIN

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
72.01. Coin.	Manufacture from materials not falling in 72.01.

## CHAPTER 73

## IRON AND STEEL AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
73.01 Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms.	Manufacture from materials not falling in 73.01.
73.02 Ferro-alloys.	Manufacture from materials not falling in 73.02.
73.04 Shot and angular grit, of iron or steel, whether or not graded; wire pellets of iron or steel.	Manufacture from materials not falling in 73.04.
73.05 Iron or steel powders; sponge iron or steel.	Manufacture from materials not falling in 73.05.
73.06 Puddled bars and pilings; ingots, blocks, lumps and similar forms, of iron or steel.	Manufacture from materials not falling in 73.06.
73.07 Blooms, billets, slabs and sheet bars (including tinplate bars), of iron or steel; pieces roughly shaped by forging, of iron or steel.	Manufacture from materials not falling in 73.07.
73.08 Iron or steel coils for re-rolling.	Manufacture from materials not falling in 73.07 to 73.13.
73.09 Universal plates of iron or steel.	Manufacture from materials not falling in 73.07 to 73.13.
73.10 Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made); hollow mining drill steel.	Manufacture from materials not falling in 73.07 to 73.13.
73.11 Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished; sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements.	Manufacture from materials not falling in 73.07 to 73.13.
73.12 Hoop and strip, of iron or steel, hot-rolled or cold-rolled.	Manufacture from materials not falling in 73.07 to 73.13.
73.13 Sheets and plates, of iron or steel, hot-rolled or cold-rolled.	*Manufacture from materials not falling in 73.07 to 73.13.

\* The qualifying process for cold-rolled sheets and plates of iron or steel produced in Norway shall be "Manufacture from materials not falling in 73.09 to 73.13."

1

2

*Tariff heading and Description**Qualifying process*

- 73.14 Iron or steel wire, whether or not coated, but not insulated. Manufacture from materials not falling in 73.08 to 73.14.
- 73.15 Alloy steel and high carbon steel in the forms mentioned in heading No. 73.06. Manufacture from materials not falling in 73.15.
- 73.15 Alloy steel and high carbon steel in the forms mentioned in headings Nos. 73.07 to 73.13. Manufacture from alloy or high carbon steel (73.15) in the forms mentioned in 73.06 or from materials not falling in 73.15.
- 73.15 Iron or steel wire, whether or not coated, but not insulated, of alloy steel or high carbon steel. Manufacture from alloy or high carbon steel (73.15) in the forms mentioned in 73.06 or 73.07 or from materials not falling in 73.15.
- 73.16 Railway and tramway track construction material of iron or steel, the following: rails, check-rails, switch blades, crossings (or frogs), crossing pieces, point rods, rack rails, sleepers, fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialised for joining or fixing rails. Manufacture from alloy or high carbon steel (73.15) in the forms mentioned in 73.06 or from materials not falling in 73.07 to 73.16.
- 73.17 Tubes and pipes, of cast iron. Manufacture from materials not falling in 73.17.
- 73.18 Tubes and pipes and blanks therefor, of iron (other than of cast iron) or steel, excluding high-pressure hydro-electric conduits. Manufacture from alloy or high carbon steel (73.15) in the forms mentioned in 73.06 or from materials not falling in 73.07 to 73.11 or 73.13 to 73.18.
- 73.19 High-pressure hydro-electric conduits of steel, whether or not reinforced. Manufacture from materials not falling in 73.18 or 73.19.
- 73.20 Tube and pipe fittings (for example, joints, elbows, unions and flanges), of iron or steel. Manufacture from materials not falling in 73.17 to 73.20.
- 73.21 Structures, complete or incomplete, whether or not assembled, and parts of structures (for example, hangars and other buildings, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frameworks, door and window frames, shutters, balustrades, pillars and columns), of iron or steel; plates, strip, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel. Manufacture from materials not falling in 73.21 to 73.24.
- 73.22 Reservoirs, tanks, vats and similar containers, for any material, of iron or steel, of a capacity exceeding three hundred litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment. Manufacture from materials not falling in 73.21 to 73.24.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
73.23 Casks, drums, cans, boxes and similar containers, of sheet or plate iron or steel, of a description commonly used for the conveyance or packing of goods.	Manufacture from materials not falling in 73.21 to 73.24.
73.24 Compressed gas cylinders and similar pressure containers, of iron or steel.	Manufacture from materials not falling in 73.21 to 73.24.
73.25 Stranded wire, cables, cordage, ropes, plaited bands, slings and the like, of iron or steel wire, but excluding insulated electric cables.	Manufacture from materials not falling in 73.14, 73.25 or 73.26 and not being alloy or high carbon steel wire (73.15).
73.26 Barbed iron or steel wire; twisted hoop or single flat wire, barbed or not, and loosely twisted double wire, of kinds used for fencing, of iron or steel.	Manufacture from materials not falling in 73.12, 73.14, 73.25 or 73.26 and not being alloy or high carbon steel hoop, strip or wire (73.15).
73.27 Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials, of iron or steel wire.	Manufacture from materials not falling in 73.14, 73.25, 73.26 or 73.27 and not being alloy or high carbon steel wire (73.15).
73.28 Expanded metal, of iron or steel.	Manufacture from materials not falling in 73.28.
73.29 Chain and parts thereof, of iron or steel.	Manufacture from materials not falling in 73.14 or 73.29 and not being alloy or high carbon steel wire (73.15).
73.30 Anchors and grapnels and parts thereof, of iron or steel.	Manufacture from materials not falling in 73.30.
73.31 Nails, tacks, staples, hook-nails, corrugated nails, spiked cramps, studs, spikes and drawing pins, of iron or steel, whether or not with heads of other materials, but not including such articles with heads of copper.	Manufacture from materials not falling in 73.14 or 73.31 and not being alloy or high carbon steel wire (73.15).
73.32 Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of iron or steel; rivets, cotters, cotter-pins, washers and spring washers, of iron or steel.	Manufacture from materials not falling in 73.14 or 73.32 and not being alloy or high carbon steel wire (73.15).
73.33 Needles for hand sewing (including embroidery), hand carpet needles and hand knitting needles, bodkins, crochet hooks, and the like, and embroidery stiletos, of iron or steel, including blanks.	Manufacture from materials not falling in 73.14 or 73.33 and not being alloy or high carbon steel wire (73.15).
73.34 Pins (excluding hatpins and other ornamental pins and drawing pins), hairpins and curling grips, of iron or steel.	Manufacture from materials not falling in 73.14 or 73.34 and not being alloy or high carbon steel wire (73.15).

1

2

*Tariff heading and Description**Qualifying process*

- 73.35 Springs and leaves for springs, of iron or steel. Manufacture from materials not falling in 73.14 or 73.35 and not being alloy or high carbon steel wire (73.15).
- 73.36 Stoves (including stoves with subsidiary boilers for central heating or for hot water supply), ranges, cookers, grates, fires, and other space heaters, gas-rings, plate warmers with burners, wash boilers with grates or other heating elements, and similar equipment, of a kind used for domestic purposes, not electrically operated, and parts thereof, of iron or steel. Manufacture from materials not falling in 73.36.
- 73.37 Boilers (excluding steam-generating boilers of heading No. 84.01) and radiators, for central heating, not electrically heated, and parts thereof, of iron or steel; air heaters and hot air distributors (including those which can also distribute cool or conditioned air), not electrically heated, incorporating a motor-driven fan or blower, and parts thereof, of iron or steel. Manufacture from materials not falling in 73.37.
- 73.38 Articles of a kind commonly used for domestic purposes, builders' sanitary ware for indoor use, and parts of such articles and ware, of iron or steel. Manufacture from materials not falling in 73.38 or 73.40.
- 73.39 Iron or steel wool; pot scourers and scouring and polishing pads, gloves and the like, of iron or steel. Manufacture from materials not falling in 73.14 or 73.39 and not being alloy or high carbon steel wire (73.15).
- 73.40 Other articles of iron or steel. Manufacture from materials not falling in 73.38 or 73.40.

## CHAPTER 74

## COPPER AND ARTICLES THEREOF

1

2

*Tariff heading and Description**Qualifying process*

- 74.01 Copper matte. Manufacture from materials not falling in 74.01.
- 74.01 Unwrought copper. Manufacture from copper matte or copper waste and scrap (74.01) or from materials not falling in 74.01.
- 74.01 Unwrought copper, unalloyed. Manufacture from unwrought alloyed copper (74.01) or from materials not falling in 74.01.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
74.01 Unwrought copper, alloyed.	Alloying.
74.02 Master alloys.	Manufacture from materials not falling in 74.02.
74.03 Wrought bars, rods, angles, shapes and sections, of copper; copper wire.	Manufacture from materials not falling in 74.03.
74.04 Wrought plates, sheets and strip, of copper.	Manufacture from materials not falling in 74.03 or 74.04.
74.05 Copper foil.	Manufacture from materials not falling in 74.03 to 74.05.
74.06 Copper powders and flakes.	Manufacture from materials not falling in 74.06.
74.07 Tubes and pipes and blanks therefor, of copper; hollow bars of copper.	Manufacture from materials not falling in 74.03, 74.04 or 74.07.
74.08 Tubes and pipe fittings (for example, joints, elbows, sockets and flanges), of copper.	Manufacture from materials not falling in 74.03, 74.04, 74.07 or 74.08.
74.09 Reservoirs, tanks, vats and similar containers, for any material, of copper, of a capacity exceeding three hundred litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.	Manufacture from materials not falling in 74.09.
74.10 Stranded wire, cables, cordage, ropes, plaited bands and the like, of copper wire, but excluding insulated electric wires and cables.	Manufacture from materials not falling in 74.10 and not being copper wire (74.03).
74.11 Gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands), of copper wire.	Manufacture from materials not falling in 74.10 or 74.11 and not being copper wire (74.03).
74.12 Expanded metal, of copper.	Manufacture from materials not falling in 74.12.
74.13 Chain and parts thereof, of copper.	Manufacture from materials not falling in 74.13.
74.14 Nails, tacks, staples, hook-nails, spiked cramps, studs, spikes and drawing pins, of copper, or of iron or steel with heads of copper.	Manufacture from materials not falling in 74.14 and not being copper wire (74.03).
74.15 Bolts and nuts (including bolt ends and screw studs), whether or not threaded or tapped, and screws (including screw hooks and screw rings), of copper; rivets, cotters, cotter-pins, washers and spring washers, of copper.	Manufacture from materials not falling in 74.15.
74.16 Springs, of copper.	Manufacture from materials not falling in 74.16.
74.17 Cooking and heating apparatus of a kind used for domestic purposes, not electrically operated, and parts thereof, of copper.	Manufacture from materials not falling in 74.17.

<i>Tariff heading and Description</i>	<i>Qualifying process</i>
74.18 Other articles of a kind commonly used for domestic purposes, builders' sanitary ware for indoor use, and parts of such articles and ware, of copper.	Manufacture from materials not falling in 74.18 or 74.19.
74.19 Other articles of copper.	Manufacture from materials not falling in 74.18 or 74.19.

## CHAPTER 75

## NICKEL AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
75.01 Nickel mattes, nickel speiss and other intermediate products of nickel metallurgy.	Manufacture from materials not falling in 75.01.
75.01 Unwrought nickel (excluding electroplating anodes).	Manufacture from nickel mattes, nickel speiss, other intermediate products of nickel metallurgy or nickel waste and scrap (75.01) or from materials not falling in 75.01.
75.01 Unwrought nickel, alloyed.	Alloying.
75.02 Wrought bars, rods, angles, shapes and sections, of nickel; nickel wire.	Manufacture from materials not falling in 75.02 or, by processes which must include rolling, from wrought bars or rods of nickel-copper alloys containing more than 60 per cent by weight of nickel (75.02).
75.03 Wrought plates, sheets and strip, of nickel; nickel foil; nickel powders and flakes.	Manufacture from wrought bars or rods of nickel-copper alloys containing more than 60 per cent by weight of nickel (75.02) or from materials not falling in 75.02 or 75.03.
75.04 Tubes and pipes and blanks therefor, of nickel; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of nickel.	Manufacture from wrought bars or rods of nickel-copper alloys containing more than 60 per cent by weight of nickel (75.02) or from materials not falling in 75.02 to 75.04.
75.05 Electroplating anodes, of nickel, wrought or unwrought, including those produced by electrolysis.	Manufacture from materials not falling in 75.02 to 75.05.
75.06 Other articles of nickel.	Manufacture from materials not falling in 75.06.

## CHAPTER 76

## ALUMINIUM AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
76.01 Unwrought aluminium; aluminium waste and scrap.	Manufacture from materials not falling in 76.01.
76.02 Wrought bars, rods, angles, shapes and sections, of aluminium; aluminium wire.	Manufacture from materials not falling in 76.02.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
76.03 Wrought plates, sheets and strip (including discs and circles), of aluminium.	Manufacture from materials not falling in 76.02 or 76.03.
76.04 Aluminium foil.	Manufacture from aluminium plates, sheets or strip of a thickness of 0.45 millimetres or more (76.03) or from materials not falling in 76.03 or 76.04.
76.05. Aluminium powders and flakes.	Manufacture from materials not falling in 32.09, 76.04 or 76.05.
76.06 Tubes and pipes and blanks therefor, of aluminium; hollow bars of aluminium.	Manufacture from materials not falling in 76.02, 76.03 or 76.06.
76.07 Tube and pipe fittings (for example, joints, elbows, sockets and flanges), of aluminium.	Manufacture from materials not falling in 76.02, 76.03, 76.06 or 76.07.
76.08 Structures, complete or incomplete, whether or not assembled, and parts of structures, (for example, hangars and other buildings, bridges and bridge-sections, towers, lattice masts, roofs, roofing frameworks, door and window frames, balustrades, pillars and columns), of aluminium; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of aluminium.	Manufacture from materials not falling in 76.08 to 76.11.
76.09 Reservoirs, tanks, vats and similar containers, for any material, of aluminium, of a capacity exceeding three hundred litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment.	Manufacture from materials not falling in 76.08 to 76.11.
76.10 Casks, drums, cans, boxes and similar containers (including rigid and collapsible tubular containers), of aluminium, of a description commonly used for the conveyance or packing of goods.	Manufacture from materials not falling in 76.08 to 76.11.
76.11 Compressed gas cylinders and similar pressure containers, of aluminium.	Manufacture from materials not falling in 76.08 to 76.11.
76.12 Stranded wire, cables, cordage, ropes, plaited bands and the like, of aluminium wire, but excluding insulated electric wires and cables.	Manufacture from materials not falling in 76.12 and not being aluminium wire (76.02).
76.13 Gauze, cloth, grill, netting, reinforcing fabric and similar materials, of aluminium wire.	Manufacture from materials not falling in 76.12 or 76.13 and not being aluminium wire (76.02).
76.14 Expanded metal, of aluminium.	Manufacture from materials not falling in 76.14.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
76.15 Articles of a kind commonly used for domestic purposes, builders' sanitary ware for indoor use, and parts of such articles and ware, of aluminium.	Manufacture from materials not falling in 76.15 or 76.16.
76.16 Other articles of aluminium.	Manufacture from materials not falling in 76.15 or 76.16.

## CHAPTER 77

## MAGNESIUM AND BERYLLIUM AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
77.01 Unwrought magnesium.	Manufacture from magnesium waste and scrap (77.01) or from materials not falling in 77.01.
77.01 Unwrought magnesium, alloyed.	Alloying.
77.02 Wrought bars, rods, angles, shapes and sections, of magnesium; magnesium wire; wrought plates, sheets and strip, of magnesium; magnesium foil; raspings and shavings of uniform size, powders and flakes, of magnesium; tubes and pipes and blanks therefor, of magnesium; hollow bars of magnesium.	Manufacture from materials not falling in 77.02.
77.03 Other articles of magnesium.	Manufacture from materials not falling in 77.03.
77.04 Beryllium, unwrought.	Manufacture from beryllium waste and scrap (77.04) or from materials not falling in 77.04.
77.04 Beryllium, unwrought, in sintered form; beryllium, wrought, and articles of beryllium.	Manufacture from materials not falling in 77.04 or, by processes which must include both melting and sintering, from materials falling in 77.04.

## CHAPTER 78

## LEAD AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
78.01 Unwrought lead (including argentiferous lead).	Manufacture from lead waste and scrap (78.01) or from materials not falling in 78.01.
78.01 Unwrought lead, unalloyed.	Manufacture from unwrought alloyed lead (78.01) or from materials not falling in 78.01.
78.01 Unwrought lead, alloyed.	Alloying.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
78.02 Wrought bars, rods, angles, shapes and sections, of lead ; lead wire.	Manufacture from materials not falling in 78.02.
78.03 Wrought plates, sheets and strip, of lead.	Manufacture from materials not falling in 78.02 or 78.03.
78.04 Lead foil ; lead powders and flakes.	Manufacture from materials not falling in 78.02 to 78.04.
78.05 Tubes and pipes and blanks therefor, of lead ; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets, flanges and S-bends), of lead.	Manufacture from materials not falling in 78.02, 78.03 or 78.05.
78.06 Other articles of lead.	Manufacture from materials not falling in 78.06.

## CHAPTER 79

## ZINC AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
79.01 Unwrought zinc.	Manufacture from zinc waste and scrap (79.01) or from materials not falling in 79.01.
79.01 Unwrought zinc, unalloyed.	Manufacture from unwrought alloyed zinc (79.01) or from materials not falling in 79.01.
79.01 Unwrought zinc, alloyed.	Alloying.
79.02 Wrought bars, rods, angles, shapes and sections, of zinc ; zinc wire.	Manufacture from materials not falling in 79.02.
79.03 Wrought plates, sheets and strip, of zinc ; zinc foil ; zinc powders and flakes.	Manufacture from materials not falling in 79.02 or 79.03.
79.04 Tubes and pipes and blanks therefor, of zinc ; hollow bars and tubes and pipe fittings (for example, joints, elbows, sockets and flanges), of zinc.	Manufacture from materials not falling in 79.02 to 79.04.
79.05 Gutters, roof capping, skylight frames, and other fabricated building components, of zinc.	Manufacture from materials not falling in 79.05.
79.06 Other articles of zinc.	Manufacture from materials not falling in 79.06.

## CHAPTER 80

## TIN AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
80.01 Unwrought tin.	Manufacture from tin waste and scrap (80.01) or from materials not falling in 80.01.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
80.01 Unwrought tin, unalloyed.	Manufacture from unwrought alloyed tin (80.01) or from materials not falling in 80.01.
80.01 Unwrought tin, alloyed.	Alloying.
80.02 Wrought bars, rods, angles, shapes and sections, of tin ; tin wire.	Manufacture from materials not falling in 80.02.
80.03 Wrought plates, sheets and strip, of tin.	Manufacture from materials not falling in 80.02 or 80.03.
80.04 Tin foil.	Manufacture from materials not falling in 80.02 to 80.04.
80.04 Tin powders and flakes.	Manufacture from materials not falling in 80.04.
80.05 Tubes and pipes and blanks therefor, of tin ; hollow bars, and tube and pipe fittings (for example, joints, elbows, sockets and flanges), of tin.	Manufacture from materials not falling in 80.02, 80.03 or 80.05.
80.06 Other articles of tin.	Manufacture from materials not falling in 80.06.

## CHAPTER 81

## OTHER BASE METALS EMPLOYED IN METALLURGY AND ARTICLES THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
81.01 Tungsten, unwrought and wrought.	Manufacture from tungsten waste and scrap (81.01) or from materials not falling in 81.01.
81.01 Articles of tungsten.	Manufacture from unwrought tungsten or tungsten waste and scrap (81.01) or from materials not falling in 81.01.
81.02 Molybdenum, unwrought.	Manufacture from molybdenum waste and scrap (81.02) or from materials not falling in 81.02.
81.02 Molybdenum, wrought, and articles thereof.	Manufacture from unwrought molybdenum or molybdenum waste and scrap (81.02) or from materials not falling in 81.02.
81.03 Tantalum, unwrought.	Manufacture from tantalum waste and scrap (81.03) or from materials not falling in 81.03.
81.03 Tantalum, unwrought, in cast or sintered form ; tantalum, wrought, and articles thereof.	Manufacture from materials not falling in 81.03 or, by processes which must include either melting or sintering, from materials falling in 81.03.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
81.04 Other base metals, unwrought.	Manufacture from waste and scrap (81.04) or from materials not falling in 81.04.
81.04 Hafnium, niobium, titanium and zirconium, unwrought, in cast or sintered forms ; hafnium, niobium, titanium and zirconium, wrought, and articles thereof.	Manufacture from materials not falling in 81.04 or, by processes which must include either melting or sintering, from materials falling in 81.04.
81.04 Other base metals, wrought, and articles thereof, and cermets, wrought, and articles thereof, except bars, rods, angles, shapes, sections, wire, plates, sheets, strip, foil, tubes, pipes, and tube and pipe fittings, of hafnium, niobium, titanium and zirconium.	Manufacture from unwrought base metals (81.04) or waste and scrap (81.04) or from materials not falling in 81.04.

## CHAPTER 82

TOOLS, IMPLEMENTS, CUTLERY, SPOONS AND FORKS, OF BASE METAL ;  
PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
82.01 Hand tools, the following ; spades, shovels, picks, hoes, forks and rakes ; axes, bill hooks and similar hewing tools ; scythes, sickles, hay knives, grass shears, timber wedges and other tools of a kind used in agriculture, horticulture or forestry.	Manufacture from materials not falling in 82.01.
82.02 Saws (non-mechanical) and blades for hand or machine saws (including toothless saw blades).	Manufacture from materials not falling in 82.02.
82.03 Hand tools, the following: pliers (including cutting pliers), pincers, tweezers, tinmen's snips, bolt croppers and the like; perforating punches ; pipe cutters ; spanners and wrenches (but not including tap wrenches) ; files and rasps.	Manufacture from materials not falling in 82.03.
82.04 Hand tools (including mounted glaziers' diamonds but not including needles, bodkins, crochet hooks, embroidery stiletos and the like) not falling within any other heading of this Chapter ; blow lamps, anvils ; vices and clamps, other than accessories for, and parts of, machine tools ; portable forges ; grinding wheels mounted on frameworks (hand or pedal operated).	Manufacture from materials not falling in 82.04.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
82.05 Interchangeable tools for hand tools, for machine tools or for power-operated hand tools (for example, for pressing, stamping, drilling, tapping, threading, boring, broaching, milling, cutting, turning, dressing, morticing or screw driving), including dies for wire drawing, extrusion dies for metal, and rock drilling bits.	Manufacture from materials not falling in 82.05.
82.06 Knives and cutting blades, for machines or for mechanical appliances.	Manufacture from materials not falling in 82.06.
82.07 Tool-tips and plates, sticks and the like for tool-tips, unmounted, of sintered metal carbides (for example, carbides of tungsten, molybdenum or vanadium).	Manufacture from materials not falling in 82.07.
82.08 Coffee-mills, mincers, juice-extractors and other mechanical appliances, of a weight not exceeding ten kilogrammes and of a kind used for domestic purposes in the preparation, serving or conditioning of food or drink.	Manufacture from materials not falling in 82.08.
82.09 Knives with cutting blades, serrated or not (including pruning knives), other than knives falling within heading No. 82.06.	Manufacture from materials not falling in 82.09 or 82.10.
82.10 Knife blades.	Manufacture from materials not falling in 82.10.
82.11 Razors and razor blades (including razor blade blanks, whether or not in strips).	Manufacture from materials not falling in 82.11.
82.12 Scissors (including tailor's shears), and blades therefor.	Manufacture from materials not falling in 82.12.
82.13 Other articles of cutlery (for example, secateurs, hair clippers, butchers' cleavers, paper knives); manicure and chiropody sets and appliances (including nail files).	Manufacture from materials not falling in 82.13.
82.14 Spoons, forks, fish-eaters, butter-knives, ladles, and similar kitchen or tableware.	Manufacture from materials not falling in 82.14.
82.15 Handles of base metal for articles falling within heading No. 82.09, 82.13 or 82.14.	Manufacture from materials not falling in 82.15.

## CHAPTER 83

## MISCELLANEOUS ARTICLES OF BASE METAL

1

2

*Tariff heading and Description**Qualifying process*

- |       |  |  |
|-------|--|--|
| 83.01 | Locks and padlocks (key, combination or electrically operated), and parts thereof, of base metal; frames incorporating locks, for handbags, trunks or the like, and parts of such frames, of base metal; keys for any of the foregoing articles, finished or not, of base metal.       | Manufacture from materials not falling in 83.01. |
| 83.02 | Base metal fittings and mountings of a kind suitable for furniture, doors, staircases, windows, blinds, coachwork, saddlery, trunks, caskets and the like (including automatic door closers); base metal hat-racks, hat-pegs, brackets and the like.                                   | Manufacture from materials not falling in 83.02. |
| 83.03 | Safes, strong-boxes, armoured or reinforced strong-rooms, strong-room linings and strong-room doors, and cash and deed boxes and the like, of base metal.  | Manufacture from materials not falling in 83.03. |
| 83.04 | Filing cabinets, racks, sorting boxes, paper trays, paper rests and similar office equipment, of base metal, other than office furniture falling within heading No. 94.03.   | Manufacture from materials not falling in 83.04. |
| 83.05 | Fittings for loose-leaf binders, for files or for stationery books, of base metal; leather clips, paper clips, staples, indexing tags, and similar stationery goods, of base metal.  | Manufacture from materials not falling in 83.05. |
| 83.06 | Statuettes and other ornaments of a kind used indoors, of base metal.  | Manufacture from materials not falling in 83.06. |
| 83.07 | Lamps and lighting fittings, of base metal, and parts thereof, of base metal (excluding switches, electric lamp holders, electric lamps for vehicles, electric battery or magneto lamps, and other articles falling within Chapter 85 except heading No. 85.22).                       | Manufacture from materials not falling in 83.07. |
| 83.08 | Flexible tubing and piping, of base metal.   | Manufacture from materials not falling in 83.08. |
| 83.09 | Clasps, frames with clasps for handbags and the like, buckles, buckle-clasps, hooks, eyes, eyelets, and the like, of base metal, of a kind commonly used for clothing, travel goods, handbags, or other textile or leather goods; tubular rivets and bifurcated rivets, of base metal. | Manufacture from materials not falling in 83.09. |

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
83.10 Beads and spangles, of base metal.	Manufacture from materials not falling in 83.10.
83.11 Bells and gongs, non-electric, of base metal, and parts thereof of base metal.	Manufacture from materials not falling in 83.11.
83.12 Photograph, picture and similar frames, of base metal ; mirrors of base metal.	Manufacture from materials not falling in 83.12.
83.13 Stoppers, crown corks, bottle caps, capsules, bung covers, seals and plombs, case corner protectors and other packing accessories, of base metal.	Manufacture from materials not falling in 83.13.
83.14 Sign-plates, name-plates, numbers, letters and other signs, of base metal.	Manufacture from materials not falling in 83.14.
83.15 Wire, rods, tubes, plates, electrodes and similar products, of base metal or of metal carbides, coated or cored with flux material, of a kind used for soldering, brazing, welding or deposition of metal or of metal carbides ; wire and rods, of agglomerated base metal powder, used for metal spraying.	Manufacture from materials not falling in 83.15.

## CHAPTER 84

## BOILERS, MACHINERY AND MECHANICAL APPLIANCES ; PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
84.01 Steam and other vapour generating boilers (excluding central heating hot water boilers capable also of producing low pressure steam).	Manufacture from materials not falling in 84.01 or 84.02.
84.02 Auxiliary plant for use with steam and other vapour generating boilers (for example, economisers, superheaters, soot removers, gas recoverers and the like); condensers for vapour engines and power units.	Manufacture from materials not falling in 84.02.
84.03 Producer gas and water gas generators, with or without purifiers; acetylene gas generators (water process) and similar gas generators, with or without purifiers.	Manufacture from materials not falling in 84.03.
84.04 Steam engines (including mobile engines, but not steam tractors falling within heading No. 87.01 or mechanically propelled road rollers) with self-contained boilers.	Manufacture from materials not falling in 84.01, 84.02, 84.04 or 84.05.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
84.05 Steam and other vapour power units, not incorporating boilers.	Manufacture from materials not falling in 84.02 or 84.05.
84.06 Internal combustion piston engines.	Manufacture from materials not falling in 84.06, and not being gears and gearing (including friction gears, gear-boxes and other variable speed gears) or clutches (84.63, 85.02 or 87.06).
84.07 Hydraulic engines and motors (including water wheels and water turbines).	Manufacture from materials not falling in 84.07.
84.08 Other engines and motors.	Manufacture from materials not falling in 84.08.
84.09 Mechanically propelled road rollers.	Manufacture from materials not falling in 84.04, 84.05, 84.06, 84.08 or 84.09.
84.10 Pumps (including motor pumps and turbo pumps) for liquids, whether or not fitted with measuring devices; liquid elevators of bucket, chain, screw, band and similar kinds.	Manufacture from materials not falling in 84.10.
84.11 Air pumps, vacuum pumps and air or gas compressors (including motor and turbo pumps and compressors, and free-piston generators for gas turbines); fans, blowers and the like.	Manufacture from materials not falling in 84.11.
84.12 Air conditioning machines, self-contained, comprising a motor-driven fan and elements for changing the temperature and humidity of air.	Manufacture from materials not falling in 84.12.
84.13 Furnace burners for liquid fuel (atomisers), for pulverised solid fuel or for gas; mechanical stokers, mechanical grates, mechanical ash dischargers and similar appliances.	Manufacture from materials not falling in 84.13.
84.14 Industrial and laboratory furnaces and ovens, non-electric.	Manufacture from materials not falling in 84.14.
84.15 Refrigerators and refrigerating equipment (electrical and other).	Manufacture from materials not falling in 84.15.
84.16 Calendering and similar rolling machines (other than metal-working and metal-rolling machines and glass-working machines) and cylinders therefor.	Manufacture from materials not falling in 84.16.

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2

*Tariff heading and Description**Qualifying process*

- 84.17 Machinery, plant and similar laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature such as heating, cooking, roasting, distilling, rectifying, sterilising, pasteurising, steaming, drying, evaporating, vaporising, condensing or cooling, not being machinery or plant of a kind used for domestic purposes; instantaneous or storage water heaters, non-electrical.
- 84.18 Centrifuges; filtering and purifying machinery and apparatus (other than filter funnels, milk strainers and the like), for liquids or gases.
- 84.19 Machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing, capsuling or labelling bottles, cans, boxes, bags or other containers; other packing or wrapping machinery; machinery for aerating beverages; dish washing machines.
- 84.20 Weighing machinery (excluding balances of a sensitivity of five centigrammes or better), including weight-operated counting and checking machines; weighing machine weights of all kinds.
- 84.21 Mechanical appliances (whether or not hand operated) for projecting, dispersing or spraying liquids or powders; fire extinguishers (charged or not); spray guns and similar appliances; steam or sand blasting machines and similar jet projecting machines.
- 84.22 Lifting, handling, loading or unloading machinery, telfers and conveyors (for example, lifts, hoists, winches, cranes, transporter cranes, jacks, pulley tackle, belt conveyors and teleferics), not being machinery falling within heading No. 84.23.
- 84.23 Excavating, levelling, tamping, boring and extracting machinery, stationary or mobile, for earth, minerals or ores (for example, mechanical shovels, coal-cutters, excavators, scrapers, levellers and bulldozers); piledrivers; snow-ploughs, not self-propelled (including snow-plough attachments).

Manufacture from materials not falling in 84.17.

Manufacture from materials not falling in 84.18.

Manufacture from materials not falling in 84.19.

Manufacture from materials not falling in 84.20.

Manufacture from materials not falling in 84.10, 84.11 or 84.21.

Manufacture from materials not falling in 84.22.

Manufacture from materials not falling in 84.23.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
84.24 Agricultural and horticultural machinery for soil preparation or cultivation (for example, ploughs, harrows, cultivators, seed and fertiliser distributors); lawn and sports ground rollers.	Manufacture from materials not falling in 84.24.
84.25 Harvesting and threshing machinery, straw and fodder presses; hay or grass mowers; winnowing and similar cleaning machines for seed, grain or leguminous vegetables and egg-grading and other grading machines for agricultural produce (other than those of a kind used in the bread grain milling industry falling within heading No. 84.29).	Manufacture from materials not falling in 84.25.
84.26 Dairy machinery (including milking machines).	Manufacture from materials not falling in 84.26.
84.27 Presses, crushers and other machinery, of a kind used in wine-making, cider-making, fruit juice preparation or the like.	Manufacture from materials not falling in 84.27.
84.28 Other agricultural, horticultural, poultry-keeping and bee-keeping machinery; germination plant fitted with mechanical or thermal equipment; poultry incubators and brooders.	Manufacture from materials not falling in 84.28.
84.29 Machinery of a kind used in the bread grain milling industry, and other machinery (other than farm type machinery) for the working of cereals or dried leguminous vegetables.	Manufacture from materials not falling in 84.29.
84.30 Machinery, not falling within any other heading of this Chapter, of a kind used in the following food or drink industries: bakery, confectionery, chocolate manufacture, macaroni, ravioli or similar cereal food manufacture, the preparation of meat, fish, fruit or vegetables (including mincing or slicing machines), sugar manufacture or brewing.	Manufacture from materials not falling in 84.30.
84.31 Machinery for making or finishing cellulosic pulp, paper or paper-board.	Manufacture from materials not falling in 84.31.
84.32 Book-binding machinery, including book-sewing machines.	Manufacture from materials not falling in 84.32.

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*Tariff heading and Description**Qualifying process*

- 84.33 Paper or paperboard cutting machines of all kinds; other machinery for making up paper pulp, paper or paperboard. Manufacture from materials not falling in 84.33.
- 84.34 Machinery, apparatus and accessories for type-founding or type-setting; machinery, other than the machine-tools of heading No. 84.45, 84.46 or 84.47, for preparing or working printing blocks, plates or cylinders; printing type, impressed flongs and matrices, printing blocks, plates and cylinders; blocks, plates, cylinders and lithographic stones, prepared for printing purposes (for example, planed, grained or polished). Manufacture from materials not falling in 84.34.
- 84.35 Other printing machinery; machines for uses ancillary to printing. Manufacture from materials not falling in 84.35.
- 84.36 Machines for extruding man-made textiles; machines of a kind used for processing natural or man-made textile fibres; textile spinning and twisting machines; textile doubling, throwing and reeling (including weft-winding) machines. Manufacture from materials not falling in 84.36 or 84.38.
- 84.37 Weaving machines, knitting machines and machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net; machines for preparing yarns for use on such machines, including warping and warp sizing machines. Manufacture from materials not falling in 84.37 or 84.38.
- 84.38 Auxiliary machinery for use with machines of heading No. 84.37 (for example, dobbies, Jacquards, automatic stop motions and shuttle changing mechanisms); parts and accessories suitable for use solely or principally with the machines of the present heading or with machines falling within heading No. 84.36 or 84.37 (for example, spindles and spindle flyers, card clothing, combs, extruding nipples, shuttles, healds and heald-lifters and hosiery needles). Manufacture from materials not falling in 84.38.
- 84.39 Machinery for the manufacture or finishing of felt in the piece or in shapes, including felt-hat making machines and hat-making blocks. Manufacture from materials not falling in 84.39.

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2

*Tariff heading and Description**Qualifying process*

- 84.40 Machinery for washing, cleaning, drying, bleaching, dyeing, dressing, finishing or coating textile yarns, fabrics or made-up textile articles (including laundry and dry-cleaning machinery); fabric folding, reeling or cutting machines; machines of a kind used in the manufacture of linoleum or other floor coverings for applying the paste to the base fabric or other support; machines of a type used for printing a repetitive design, repetitive words or overall colour on textiles, leather, wallpaper, wrapping paper, linoleum or other materials, and engraved or etched plates, blocks or rollers therefor. Manufacture from materials not falling in 84.40.
- 84.41 Sewing machines; furniture specially designed for sewing machines; sewing machine needles. Manufacture from materials not falling in 84.41.
- 84.42 Machinery (other than sewing machines) for preparing, tanning or working hides, skins or leather (including boot and shoe machinery). Manufacture from materials not falling in 84.42.
- 84.43 Converters, ladles, ingot moulds and casting machines, of a kind used in metallurgy and in metal foundries. Manufacture from materials not falling in 84.43.
- 84.44 Rolling mills and rolls therefor. Manufacture from materials not falling in 84.44.
- 84.45 Machine-tools for working metal or metallic carbides, not being machines falling within heading No. 84.49 or 84.50. Manufacture from materials not falling in 84.45 or 84.48.
- 84.46 Machine-tools for working stone, ceramics, concrete, asbestos-cement and like mineral materials or for working glass in the cold, other than machines falling within heading No. 84.49. Manufacture from materials not falling in 84.46 or 84.48.
- 84.47 Machine-tools for working wood, cork, bone, ebonite (vulcanite), hard artificial plastic materials or other hard carving materials, other than machines falling within heading No. 84.49. Manufacture from materials not falling in 84.47 or 84.48.

1

*Tariff heading and Description*

2

*Qualifying process*

- 84.48 Accessories and parts suitable for use solely or principally with the machines falling within headings Nos. 84.45 to 84.47, including work and tool holders, self-opening die-heads, dividing heads and other appliances for machine-tools; tool holders for any type of tool or machine-tool for working in the hand. Manufacture from materials not falling in 84.48.
- 84.49 Tools for working in the hand, pneumatic or with self-contained non-electric motor. Manufacture from materials not falling in 84.06, 84.08 or 84.49.
- 84.50 Gas-operated welding, brazing, cutting and surface tempering appliances. Manufacture from materials not falling in 84.50.
- 84.51 Typewriters, other than typewriters incorporating calculating mechanisms; cheque-writing machines. Manufacture from materials not falling in 84.51 or 84.55.
- 84.52 Calculating machines; accounting machines, cash registers, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device. Manufacture from materials not falling in 84.52 or 84.55.
- 84.53 Statistical machines of a kind operated in conjunction with punched cards (for example, sorting, calculating and tabulating machines); accounting machines operated in conjunction with similar punched cards; auxiliary machines for use with such machines (for example, punching and checking machines). Manufacture from materials not falling in 84.53 or 84.55.
- 84.54 Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, coin-sorting machines, coin-counting and wrapping machines, pencil-sharpening machines, perforating and stapling machines). Manufacture from materials not falling in 84.54 or 84.55.
- 84.55 Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of a kind falling within heading No. 84.51, 84.52, 84.53 or 84.54. Manufacture from materials not falling in 84.55.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
84.56 Machinery for sorting, screening, separating, washing, crushing, grinding or mixing earth, stone, ores or other mineral substances, in solid (including powder and paste) form; machinery for agglomerating, moulding or shaping solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry moulds of sand.	Manufacture from materials not falling in 84.56.
84.57 Glass-working machines (other than machines for working glass in the cold); machines for assembling electric filament and discharge lamps and electronic and similar tubes and valves.	Manufacture from materials not falling in 84.57.
84.58 Automatic vending machines (for example, stamp, cigarette, chocolate and food machines), not being games of skill or chance.	Manufacture from materials not falling in 84.58.
84.59 Machinery and mechanical appliances (except those suitable for use solely or principally as parts of other machines or apparatus), not falling within any other heading of this Chapter.	Manufacture from materials not falling in 84.59.
84.60 Moulding boxes for metal foundry; moulds of a type used for metal (other than ingot moulds), for metallic carbides, for glass, for mineral materials (for example, ceramic pastes, concrete or cement) or for rubber or artificial plastic materials.	Manufacture from materials not falling in 84.60.
84.61 Taps, cocks, valves and similar appliances, for pipes, boiler shells, tanks, vats and the like, including pressure reducing valves and thermostatically controlled valves.	Manufacture from materials not falling in 84.61.
84.62 Ball, roller or needle roller bearings.	Manufacture from materials not falling in 84.62.
84.63 Transmission shafts, cranks, bearing housings, plain shaft bearings, gears and gearing (including friction gears and gear-boxes and other variable speed gears), fly-wheels, pulleys and pulley blocks, clutches and shaft couplings.	Manufacture from materials not falling in 84.63.
84.64 Gaskets and similar joints of metal sheeting combined with other material (for example, asbestos, felt and paperboard) or of laminated metal foil.	Manufacture from materials not falling in 84.64.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
84.65 Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features and not falling within any other heading in this Chapter.	Manufacture from materials not falling in 84.65.

## CHAPTER 85

## ELECTRICAL MACHINERY AND EQUIPMENT; PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
85.01 Electrical goods of the following descriptions: generators, motors, converters (rotary or static), transformers, rectifiers and rectifying apparatus, inductors.	Manufacture from materials not falling in 85.01.
85.02 Electro-magnets; permanent magnets and articles of special materials for permanent magnets, being blanks of such magnets; electro-magnetic and permanent magnet chucks, clamps, vices and similar work holders; electro-magnetic clutches and couplings; electro-magnetic brakes; electro-magnetic lifting heads.	Manufacture from materials not falling in 85.02.
85.03 Primary cells and primary batteries.	Manufacture from materials not falling in 85.03.
85.04 Electric accumulators.	Manufacture from materials not falling in 85.04.
85.05 Tools for working in the hand, with self-contained electric motor.	Manufacture from materials not falling in 85.01 or 85.05.
85.06 Electro-mechanical domestic appliances, with self-contained electric motor.	Manufacture from materials not falling in 85.01 or 85.06.
85.07 Shavers and hair clippers, with self-contained electric motor.	Manufacture from materials not falling in 85.01 or 85.07.
85.08 Electrical starting and ignition equipment for internal combustion engines (including ignition magnets, magneto-dynamos, ignition coils, starter motors, sparking plugs and glow plugs); dynamos and cut-outs for use in conjunction therewith.	Manufacture from materials not falling in 85.08.
85.09 Electrical lighting and signalling equipment and electrical windscreen wipers, defrosters and demisters, for cycles or motor vehicles.	Manufacture from materials not falling in 85.09.
85.10 Portable electric battery and magneto lamps, other than lamps falling within heading No. 85.09.	Manufacture from materials not falling in 85.10.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
85.11 Industrial and laboratory electric furnaces, ovens and induction and dielectric heating equipment; electric welding, brazing and soldering machines and apparatus and similar electric machines and apparatus for cutting.	Manufacture from materials not falling in 85.01 or 85.11.
85.12 Electric instantaneous or storage water heaters and immersion heaters; electric soil heating apparatus and electric space heating apparatus; electric hair-dressing appliances (for example, hair dryers, hair curlers, curling tong heaters) and electric smoothing irons; electro-thermic domestic appliances; electric heating resistors, other than those of carbon.	Manufacture from materials not falling in 85.01 or 85.12.
85.13 Electrical line telephonic and telegraphic apparatus (including such apparatus for carrier-current line systems).	Manufacture from materials not falling in 85.13.
85.14 Microphones and stands therefor; loudspeakers; audio-frequency electric amplifiers.	Manufacture from materials not falling in 85.14.
85.15 Radiotelegraphic and radiotelephonic transmission and reception apparatus; radio-broadcasting and television transmission and reception apparatus (including those incorporating gramophones) and television cameras; radio navigational aid apparatus, radar apparatus and radio remote control apparatus.	Manufacture from materials not falling in 85.15.
85.16 Electric traffic control equipment for railways, roads or inland waterways and equipment used for similar purposes in port installations or upon airfields.	Manufacture from materials not falling in 85.16.
85.17 Electric sound or visual signalling apparatus (such as bells, sirens, indicator panels, burglar and fire alarms) other than those of heading No. 85.09 or 85.16.	Manufacture from materials not falling in 85.17.
85.18 Electrical capacitors, fixed or variable.	Manufacture from materials not falling in 85.18.

1

*Tariff heading and Description*

2

*Qualifying process*

- 85.19 Electrical apparatus for making and breaking electrical circuits, for the protection of electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, lightning arresters, surge suppressors, plugs, lamp-holders, terminals, terminal strips and junction boxes); resistors, fixed or variable (including potentiometers), other than heating resistors; switchboards (other than telephone switchboards) and control panels.
- 85.20 Electric filament lamps and electric discharge lamps (including infra-red and ultra-violet lamps); arc-lamps; electrically ignited photographic flashbulbs.
- 85.21 Thermionic, cold cathode and photo-cathode valves and tubes (including vapour or gas filled valves and tubes, cathode-ray tubes, television camera tubes and mercury arc rectifying valves and tubes); photocells; mounted transistors and similar mounted devices incorporating semi-conductors; mounted piezo-electric crystals.
- 85.22 Electrical goods and apparatus (except those suitable for use solely or principally as parts of other machines or apparatus), not falling within any other heading of this Chapter.
- 85.23 Insulated (including enamelled\* or anodised) electric wire, cable, bars, strip and the like (including co-axial cable), whether or not fitted with connectors.
- 85.24 Carbon brushes, arc-lamp carbons, battery carbons, carbon electrodes and other carbon articles of a kind used for electrical purposes.
- 85.24 Graphite electrodes.
- 85.25 Insulators of any material.
- 85.26 Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating material apart from any minor components of metal incorporated during moulding solely for purposes of assembly, but not including insulators falling within heading No. 85.25.
- Manufacture from materials not falling in 85.19.
- Manufacture from materials not falling in 85.20.
- Manufacture from materials not falling in 85.21.
- Manufacture from materials not falling in 85.22.
- Manufacture from materials not falling in 85.23.
- Manufacture from materials not falling in 85.24.
- Manufacture from ungraphitised carbon electrodes (85.24) or from materials not falling in 85.24.
- Manufacture from materials not falling in 85.25 or 85.26.
- Manufacture from materials not falling in 85.26.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
85.27 Electrical conduit tubing and joints therefor, of base metal lined with insulating material.	Manufacture from materials not falling in 85.27.
85.28 Electrical parts of machinery and apparatus, not being goods falling within any of the preceding headings of this Chapter.	Manufacture from materials not falling in 85.28.

## CHAPTER 86

RAILWAY AND TRAMWAY LOCOMOTIVES, ROLLING-STOCK AND PARTS THEREOF ;  
RAILWAY AND TRAMWAY TRACK FIXTURES AND FITTINGS ; TRAFFIC SIGNALLING  
EQUIPMENT OF ALL KINDS (NOT ELECTRICALLY POWERED)

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
86.01 Steam rail locomotives and tenders.	Manufacture from materials not falling in 84.01, 84.02, 84.04, 84.05, 86.01 or 86.09.
86.02 Electric rail locomotives, battery operated or powered from an external source of electricity.	Manufacture from materials not falling in 86.02 or 86.09.
86.03 Other rail locomotives.	Manufacture from materials not falling in 84.06, 84.08, 86.03 or 86.09.
86.04 Mechanically propelled railway and tramway coaches, vans and trucks ; mechanically propelled track inspection trolleys.	Manufacture from materials not falling in 84.06, 84.08, 86.04 or 86.09.
86.05 Railway and tramway passenger coaches and luggage vans ; hospital coaches, prison coaches, testing coaches, travelling post office coaches and other special purpose railway coaches.	Manufacture from materials not falling in 86.05 or 86.09.
86.06 Railway and tramway rolling stock, the following: workshops, cranes and other service vehicles.	Manufacture from materials not falling in 86.06 or 86.09 and not being cranes (84.22).
86.07 Railway and tramway goods vans, goods wagons and trucks.	Manufacture from materials not falling in 86.07 or 86.09.
86.08 Road-rail and similar containers specially designed and equipped to be equally suitable for transport by rail, road and ship.	Manufacture from materials not falling in 86.08.
86.09 Parts of railway and tramway locomotives and rolling-stock.	Manufacture from materials not falling in 86.09.
86.10 Railway and tramway track fixtures and fittings ; mechanical equipment, not electrically powered, for signalling to or controlling road, rail or other vehicles, ships or aircraft ; parts of the foregoing fixtures, fittings or equipment.	Manufacture from materials not falling in 86.10.

## CHAPTER 87

VEHICLES, OTHER THAN RAILWAY OR TRAMWAY ROLLING-STOCK, AND  
PARTS THEREOF

1

*Tariff heading and Description*

- 87.01 Tractors (other than those falling within heading No. 87.07), whether or not fitted with power take-offs, winches or pulleys.
- 87.02 Motor vehicles for the transport of persons, goods or materials (including sports motor vehicles, other than those of heading No. 87.09).
- 87.04 Chassis fitted with engines, for the motor vehicles falling within heading No. 87.01, 87.02 or 87.03.
- 87.05 Bodies (including cabs), for the motor vehicles falling within heading No. 87.01, 87.02 or 87.03.
- 87.06 Parts and accessories of the motor vehicles falling within heading No. 87.01, 87.02 or 87.03.
- 87.07 Works trucks, mechanically propelled, of the types used in factories or warehouses for short distance transport or handling of goods (for example, fork-lift trucks and platform trucks); tractors of the type used on railway station platforms; parts of the foregoing trucks and tractors.
- 87.08 Tanks and other armoured fighting vehicles, motorised, whether or not fitted with weapons, and parts of such vehicles.
- 87.09 Motor-cycles, auto-cycles and cycles fitted with an auxiliary motor, with or without side-cars; side-cars of all kinds.
- 87.10 Cycles, not motorised.
- 87.11 Invalid carriages, fitted with means of mechanical propulsion (motorised or not).
- 87.12 Parts and accessories of articles falling within heading No. 87.09, 87.10 or 87.11.
- 87.13 Baby carriages and invalid carriages (other than motorised or otherwise mechanically propelled) and parts thereof.
- 87.14 Other vehicles (including trailers), not mechanically propelled, and parts thereof.

2

*Qualifying process*

- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in 40.11 or Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in 40.11 or Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.
- Manufacture from materials not falling in Chapter 87.

## CHAPTER 88

AIRCRAFT AND PARTS THEREOF ; PARACHUTES ; CATAPULTS AND SIMILAR AIRCRAFT  
LAUNCHING GEAR ; GROUND FLYING TRAINERS

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
88.01 Balloons and airships.	Manufacture from materials not falling in 88.01 or 88.03.
88.02 Flying machines, gliders and kites ; rotochutes.	Manufacture from materials not falling in 88.02 or 88.03.
88.03 Parts of goods falling in heading No. 88.01 or 88.02.	Manufacture from materials not falling in 40.11 or 88.03.
88.04 Parachutes and parts thereof and accessories thereto.	Manufacture from materials not falling in 88.04.
88.05 Catapults and similar aircraft launching gear ; ground flying trainers ; parts of any of the foregoing articles.	Manufacture from materials not falling in 88.05.

## CHAPTER 89

## SHIPS, BOATS AND FLOATING STRUCTURES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
89.01 Ships, boats and other vessels not falling within any of the following headings of this Chapter.	Manufacture from materials not falling in 89.01.
89.02 Tugs.	Manufacture from materials not falling in 89.02.
89.03 Light-vessels, fire-floats, dredgers of all kinds, floating cranes, and other vessels the navigability of which is subsidiary to their main function ; floating docks.	Manufacture from materials not falling in 89.03 and not being cranes (84.22).
89.05 Floating structures other than vessels (for example, coffer-dams, landing stages, buoys and beacons).	Manufacture from materials not falling in 89.05.

## CHAPTER 90

OPTICAL, PHOTOGRAPHIC, CINEMATOGRAPHIC, MEASURING, CHECKING, PRECISION,  
MEDICAL AND SURGICAL INSTRUMENTS AND APPARATUS ; PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
90.01 Lenses, prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked ; sheets or plates, of polarising material.	Manufacture from materials not falling in 90.01.
90.02 Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked.	Manufacture from materials not falling in 90.01 or 90.02.

1

*Tariff heading and Description*

- 90.03 Frames and mountings, and parts thereof, for spectacles, pince-nez, lorgnettes, goggles and the like.
- 90.04 Spectacles, pince-nez, lorgnettes, goggles and the like, corrective, protective or other.
- 90.05 Refractory telescopes (monocular and binocular), prismatic or not.
- 90.06 Astronomical instruments (for example, reflecting telescopes, transit instruments and equatorial telescopes), and mountings therefor, but not including instruments for radio-astronomy.
- 90.07 Photographic cameras; photographic flashlight apparatus.
- 90.08 Cinematographic cameras, projectors, sound recorders and sound reproducers but not including recorders or film editing apparatus; any combination of these articles.
- 90.09 Image projectors (other than cinematographic projectors); photographic (except cinematographic) enlargers and reducers.
- 90.10 Apparatus and equipment of a kind used in photographic or cinematographic laboratories, not falling within any other heading in this Chapter; photo-copying apparatus (contact type); spools or reels, for film; screens for projectors.
- 90.11 Microscopes and diffraction apparatus, electron and proton.
- 90.12 Compound optical microscopes, whether or not provided with means for photographing or projecting the image.
- 90.13 Optical appliances and instruments (but not including lighting appliances other than searchlights or spotlights), not falling within any other heading of this Chapter.
- 90.14 Surveying (including photogrammetrical surveying), hydrographic, navigational, meteorological, hydrological and geophysical instruments; compasses; rangefinders.
- 90.15 Balances of a sensitivity of five centigrammes or better, with or without their weights.

2

*Qualifying process*

Manufacture from materials not falling in 90.03.

Manufacture from materials not falling in 90.03 or 90.04.

Manufacture from materials not falling in 90.01, 90.02 or 90.05.

Manufacture from materials not falling in 90.01, 90.02 or 90.06.

Manufacture from materials not falling in 90.01, 90.02 or 90.07.

Manufacture from materials not falling in 90.01, 90.02 or 90.08.

Manufacture from materials not falling in 90.01, 90.02 or 90.09.

Manufacture from materials not falling in 90.10.

Manufacture from materials not falling in 90.11.

Manufacture from materials not falling in 90.01, 90.02 or 90.12.

Manufacture from materials not falling in 90.01, 90.02 or 90.13.

Manufacture from materials not falling in 90.01, 90.02 or 90.14.

Manufacture from materials not falling in 90.15.

1

2

*Tariff heading and Description**Qualifying process*

- 90.16 Drawing, marking-out and mathematical calculating instruments (for example : drafting machines, pantographs, slide rules, disc calculators, centre punches, scribes and carpenters' marking gauges) ; measuring or checking instruments, appliances and machines, not falling within any other heading of this Chapter (for example, micrometers, callipers, gauges, measuring rods, balancing machines) ; profile projectors.
- 90.17 Medical, dental, surgical and veterinary instruments and appliances (including electro-medical apparatus and ophthalmic instruments).
- 90.18 Mechano-therapy appliances ; massage apparatus ; psychological aptitude-testing apparatus ; artificial respiration, ozone therapy, oxygen therapy, aerosol therapy or similar apparatus ; breathing appliances (including gas masks and similar respirators).
- 90.19 Orthopaedic appliances, surgical belts, trusses and the like ; artificial limbs, eyes, teeth and other artificial parts of the body ; deaf aids ; splints and other fracture appliances.
- 90.20 Apparatus based on the use of X-rays or of the radiations from radio-active substances (including radiography and radiotherapy apparatus) ; X-ray generators ; X-ray tubes ; X-ray screens ; X-ray high tension generators ; X-ray control panels and desks ; X-ray examination or treatment tables, chairs and the like.
- 90.21 Instruments, apparatus or models, designed solely for demonstrational purposes (for example, in education or exhibition), unsuitable for other uses.
- 90.22 Machines and appliances for testing mechanically the hardness, strength, compressibility, elasticity and the like properties of industrial materials (for example, metals, wood, textiles, paper or plastics).

Manufacture from materials not falling in 90.16.

Manufacture from materials not falling in 90.17.

Manufacture from materials not falling in 90.18.

Manufacture from materials not falling in 90.19.

Manufacture from materials not falling in 90.20.

Manufacture from materials not falling in 90.21.

Manufacture from materials not falling in 90.22.

1

*Tariff heading and Description*

2

*Qualifying process*

- 90.23 Hydrometers and similar instruments; thermometers, pyrometers, barometers, hygrometers, psychrometers, recording or not; any combination of these instruments. Manufacture from materials not falling in 90.23.
- 90.24 Instruments and apparatus for measuring, checking or automatically controlling the flow, depth, pressure or other variables of liquids or gases, or for automatically controlling temperature (for example, pressure gauges, thermostats, level gauges, flow meters, automatic over-draught regulators), not being articles falling within heading No. 90.14; heat meters of a type used with central heating systems and the like. Manufacture from materials not falling in 90.24.
- 90.25 Instruments and apparatus for physical or chemical analysis (such as polarimeters, refractometers, spectrometers, gas analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like (such as viscometers, porosimeters, expansion meters); instruments and apparatus for measuring or checking quantities of heat, light or sound (such as photometers (including exposure meters), calorimeters); microtomes. Manufacture from materials not falling in 90.25.
- 90.26 Gas, liquid and electricity supply or production meters; calibrating meters therefor. Manufacture from materials not falling in 90.26 or 90.29.
- 90.27 Revolution counters, production counters, taximeters, mileometers, pedometers and the like, speed indicators (including magnetic speed indicators) and tachometers (other than articles falling within heading No. 90.14); stroboscopes. Manufacture from materials not falling in 90.27 or 90.29.
- 90.28 Electrical measuring, checking, analysing or automatically controlling instruments and apparatus. Manufacture from materials not falling in 90.28 or 90.29.
- 90.29 Parts or accessories suitable for use solely or principally with one or more of the articles falling within heading No. 90.23, 90.24, 90.26, 90.27 or 90.28. Manufacture from materials not falling in 90.29.



## CHAPTER 91

## CLOCKS AND WATCHES AND PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
91.01 Pocket-watches, wrist-watches and other watches, including stop-watches.	Manufacture from materials not falling in 91.01 or 91.07.
91.02 Clocks with watch movements (excluding clocks of heading No. 91.03).	Manufacture from materials not falling in 91.02 or 91.07.
91.03 Instrument panel clocks and clocks of a similar type, for vehicles, aircraft or vessels.	Manufacture from materials not falling in 91.03, 91.07 or 91.08.
91.04 Other clocks.	Manufacture from materials not falling in 91.04 or 91.08.
91.05 Time of day recording apparatus ; apparatus with clock or watch movement (including secondary movement) or with synchronous motor, for measuring, recording or otherwise indicating intervals of time.	Manufacture from materials not falling in 91.05.
91.06 Time switches with clock or watch movement (including secondary movement) or with synchronous motor.	Manufacture from materials not falling in 91.06.
91.07 Watch movements (including stop-watch movements), assembled.	Manufacture from materials not falling in 91.07.
91.08 Clock movements (including secondary movements), assembled.	Manufacture from materials not falling in 91.08.
91.09 Watch cases and parts of watch cases, including blanks thereof.	Manufacture from materials not falling in 91.09.
91.10 Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof.	Manufacture from materials not falling in 91.10.
91.11 Other clock and watch parts.	Manufacture from materials not falling in 91.11.

## CHAPTER 92

## MUSICAL INSTRUMENTS ; SOUND RECORDERS AND REPRODUCERS ; TELEVISION IMAGE AND SOUND RECORDERS AND REPRODUCERS, MAGNETIC ; PARTS AND ACCESSORIES OF SUCH ARTICLES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
92.01 Pianos (including automatic pianos, whether or not with keyboards) ; harpsichords and other keyboard stringed instruments ; harps but not including aeolian harps.	Manufacture from materials not falling in 92.01 or 92.10.
92.02 Other string musical instruments.	Manufacture from materials not falling in 92.02 or 92.10.

1

*Tariff heading and Description*

- 92.03 Pipe and reed organs, including harmoniums and the like.
- 92.04 Accordians, concertinas and similar musical instruments; mouth organs.
- 92.05 Other wind musical instruments.
- 92.06 Percussion musical instruments (for example, drums, xylophones, cymbals, castanets).
- 92.07 Electro-magnetic, electrostatic, electronic and similar musical instruments (for example, pianos, organs, accordians).
- 92.08 Musical instruments not falling within any other heading of this Chapter (for example, fairground organs, mechanical street organs, musical boxes, musical saws); mechanical singing birds; decoy calls and effects of all kinds; mouth-blown sound signalling instruments (for example, whistles and boatswains' pipes).
- 92.09 Musical instrument strings.
- 92.10 Parts and accessories of musical instruments (other than strings), including perforated music rolls and mechanisms for musical boxes; metronomes, tuning forks and pitch pipes of all kinds.
- 92.11 Gramophones, dictating machines and other sound recorders and reproducers, including record-players and tape decks, with or without sound-heads; television image and sound recorders and reproducers, magnetic.
- 92.12 Gramophone records.
- 92.12 Articles having recordings (whether of sound or not) or data embodied therein by means similar to those used for the recording of sound, other than gramophone records.
- 92.12 Matrices for the production of records.

2

*Qualifying process*

- Manufacture from materials not falling in 92.03 or 92.10.
- Manufacture from materials not falling in 92.04 or 92.10.
- Manufacture from materials not falling in 92.05 or 92.10.
- Manufacture from materials not falling in 92.06 or 92.10.
- Manufacture from materials not falling in 92.07 or 92.10.
- Manufacture from materials not falling in 92.08 or 92.10.
- Manufacture from materials not falling in 92.09.
- Manufacture from materials not falling in 92.10.
- Manufacture from materials not falling in 92.11.
- Impression.
- Manufacture from prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for embodying recordings or data by means similar to those used for the recording of sound (92.12) or from materials not falling in 92.12.
- Manufacture from materials not falling in 92.12.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
92.12 Prepared record blanks, film for mechanical sound recording, prepared tapes, wires, strips and like articles of a kind commonly used for embodying recordings or data by means similar to those used for the recording of sound.	Manufacture from materials not falling in 92.12, by processes not consisting solely of perforating or cutting to size or cutting to shape or any combination of these processes.
92.13 Other parts and accessories of apparatus falling within heading No. 92.11.	Manufacture from materials not falling in 92.13.

## CHAPTER 93

## ARMS AND AMMUNITION ; PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
93.01 Side-arms (for example, swords, cutlasses and bayonets) and parts thereof and scabbards and sheaths therefor.	Manufacture from materials not falling in 93.01.
93.02 Revolvers and pistols, being fire-arms.	Manufacture from materials not falling in 93.02 or 93.06.
93.03 Artillery weapons, machine-guns, sub-machine-guns and other military firearms and projectors (other than revolvers and pistols).	Manufacture from materials not falling in 93.03 or 93.06.
93.04 Other firearms, including Very light pistols, pistols and revolvers for firing blank ammunition only, line-throwing guns and the like.	Manufacture from materials not falling in 93.04 or 93.06.
93.05 Arms of other descriptions, including air, spring and similar pistols, rifles and guns.	Manufacture from materials not falling in 93.05 or 93.06.
93.06 Parts of arms, including roughly sawn gun stock blocks and gun barrel blanks, but not including parts of side-arms.	Manufacture from materials not falling in 93.06.
93.07 Bombs, grenades, torpedoes, mines, guided weapons and missiles and similar munitions of war, and parts thereof; ammunition and parts thereof, including cartridge wads; lead shot prepared for ammunition.	Manufacture from materials not falling in 93.07.

## CHAPTER 94

FURNITURE AND PARTS THEREOF ; BEDDING, MATTRESSES, MATTRESS SUPPORTS,  
CUSHIONS AND SIMILAR STUFFED FURNISHINGS

1

*Tariff heading and Description*

- 94.01 Chairs and other seats, (other than those falling within heading No. 94.02), whether or not convertible into beds, and parts thereof.
- 94.02 Medical, dental, surgical or veterinary furniture (for example, operating tables, hospital beds with mechanical fittings); dentists' and similar chairs with mechanical elevating, rotating or reclining movements; parts of the foregoing articles.
- 94.03 Other furniture and parts thereof.
- 94.04 Articles consisting of, or stuffed or internally fitted with, expanded, foam or sponge rubber or expanded, foam or sponge artificial plastic material, whether or not covered.
- 94.04 Other articles of this heading.

2

*Qualifying process*

- Manufacture from materials not falling in Chapter 94.
- Manufacture from materials not falling in Chapter 94.
- Manufacture from materials not falling in Chapter 94.
- Manufacture from materials not falling in Chapter 94 and not being expanded, foam or sponge rubber or expanded, foam or sponge artificial plastic material (Chapters 39 or 40).
- Manufacture from materials not falling in Chapter 94.

## CHAPTER 95

## ARTICLES AND MANUFACTURES OF CARVING OR MOULDING MATERIAL

1

*Tariff heading and Description*

- 95.01 Worked tortoise-shell and articles of tortoise-shell.
- 95.02 Worked mother of pearl and articles of mother of pearl.
- 95.03 Worked ivory and articles of ivory.
- 95.04 Worked bone (excluding whalebone) and articles of bone (excluding whalebone).
- 95.05 Worked horn, coral (natural or agglomerated) and other animal carving material, and articles of horn, coral (natural or agglomerated) or of other animal carving material.
- 95.06 Worked vegetable carving material (for example, corozo) and articles of vegetable carving material.

2

*Qualifying process*

- Manufacture from materials not falling in 95.01.
- Manufacture from materials not falling in 95.02.
- Manufacture from materials not falling in 95.03.
- Manufacture from materials not falling in 95.04.
- Manufacture from materials not falling in 95.05.
- Manufacture from materials not falling in 95.06.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
95.07 Worked jet (and mineral substitutes for jet), amber, meerschaum, agglomerated amber and agglomerated meerschaum, and articles of those substances.	Manufacture from materials not falling in 95.07.
95.08 Moulded or carved articles of stearin, of natural gums or natural resins (for example, copal or rosin) or of other non-mineral substances not elsewhere specified or included; moulded or carved articles of wax or of modelling pastes; worked, unhardened gelatin (except gelatin falling within heading No. 35.03) and articles of unhardened gelatin.	Manufacture from materials not falling in 95.08.

## CHAPTER 96

## BROOMS, BRUSHES, FEATHER DUSTERS, POWDER-PUFFS AND SIEVES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
96.01 Brooms and brushes, consisting of twigs or other vegetable materials merely bound together and not mounted in a head (for example, besoms and whisks), with or without handles.	Manufacture from materials not falling in Chapter 96.
96.02 Other brooms and brushes (including brushes of a kind used as parts of machines); paint rollers; squeegees (other than roller squeegees) and mops.	Manufacture from materials not falling in Chapter 96.
96.03 Prepared knots and tufts for broom or brush making.	Manufacture from materials not falling in Chapter 96.
96.04 Feather dusters.	Manufacture from materials not falling in Chapter 96.
96.05 Powder-puffs and pads for applying cosmetics or toilet preparations.	Manufacture from materials not falling in Chapter 96.
96.06 Hand sieves and hand riddles.	Manufacture from materials not falling in Chapter 96.

## CHAPTER 97

## TOYS, GAMES AND SPORTS REQUISITES; PARTS THEREOF

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
97.01 Wheeled toys designed to be ridden by children (for example, toy bicycles and tricycles and pedal-motor cars); dolls' prams and dolls' push chairs.	Manufacture from materials not falling in 97.01.
97.02. Dolls.	Manufacture from materials not falling in 97.02.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
97.03 Other toys ; working models of a kind used for recreational purposes.	Manufacture from materials not falling in 97.03.
97.04 Equipment for parlour, table and funfair games for adults or children (including billiard tables and pin-tables and table-tennis requisites).	Manufacture from materials not falling in 94.03 or 97.04.
97.05 Carnival articles ; entertainment articles (for example, conjuring tricks and novelty jokes) ; Christmas tree decorations and similar articles for Christmas festivities, non-electrical (for example, artificial Christmas trees, Christmas stockings, imitation yule logs, Nativity scenes and figures therefor).	Manufacture from materials not falling in 97.05.
97.06 Appliances, apparatus, accessories and requisites for gymnastics or athletics, or for sports and outdoor games (other than articles falling within heading No. 97.04).	Manufacture from materials not falling in 97.06.
97.07 Fish-hooks, line fishing rods and tackle ; fish landing nets and butterfly nets ; decoy "birds" and similar lures.	Manufacture from materials not falling in 97.07.
97.08 Roundabouts, swings, shooting galleries and other fairground amusements.	Manufacture from materials not falling in 97.08.

## CHAPTER 98

## MISCELLANEOUS MANUFACTURED ARTICLES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
98.01 Buttons and button moulds, studs, cuff-links and press-fasteners, including snap-fasteners and press-studs ; blanks and parts of such articles.	Manufacture from materials not falling in 98.01.
98.02 Slide fasteners and parts thereof.	Manufacture from materials not falling in 98.02.
98.03 Fountain pens, stylograph pens and pencils (including ball point pens and pencils) and other pens, pen-holders, pencil-holders and similar holders, propelling pencils and sliding pencils ; parts and fittings thereof, other than those falling within heading No. 98.04 or 98.05.	Manufacture from materials not falling in 98.03.
98.04 Pen nibs and nib points.	Manufacture from materials not falling in 98.04.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
98.05 Pencils (other than pencils of heading No. 98.03), pencil leads, slate pencils, crayons and pastels, drawing charcoals and writing and drawing chalks; tailors' and billiards chalks.	Manufacture from materials not falling in 98.05.
98.06 Slates and boards, with writing or drawing surfaces, whether framed or not.	Manufacture from materials not falling in 98.06.
98.07 Date, sealing and similar stamps, designed for operating in the hand; hand-operated composing sticks and hand printing sets incorporating such composing sticks.	Manufacture from materials not falling in 98.07.
98.08 Typewriter and similar ribbons, whether or not on spools; ink-pads, with or without boxes.	Manufacture from materials not falling in 98.08.
98.09 Sealing wax (including bottle-sealing wax) in sticks, cakes or similar forms; copying pastes with a basis of gelatin, whether or not on a paper or textile backing.	Manufacture from materials not falling in 98.09.
98.10 Mechanical lighters and similar lighters, including chemical and electrical lighters, and parts thereof, excluding flints and wicks.	Manufacture from materials not falling in 98.10.
98.11 Roughly shaped blocks of wood or root.	Manufacture from materials not falling in 98.11.
98.11 Smoking pipes; pipe bowls, stems and other parts of smoking pipes (excluding roughly shaped blocks of wood or root); cigar and cigarette holders and parts thereof.	Manufacture from roughly shaped blocks of wood or root (98.11) or from materials not falling in 98.11.
98.12 Combs, hair-slides and the like.	Manufacture from materials not falling in 98.12.
98.13 Corset busks and similar supports for articles of apparel or clothing accessories.	Manufacture from materials not falling in 98.13.
98.14 Scent and similar sprays of a kind used for toilet purposes, and mounts and heads therefor.	Manufacture from materials not falling in 98.14.
98.15 Vacuum flasks and other vacuum vessels, complete with cases; parts thereof, other than glass inners.	Manufacture from materials not falling in 70.12 or 98.15.
98.16 Tailors' dummies and other lay figures; automata and other animated displays of a kind used for shop window dressing.	Manufacture from materials not falling in 98.16.

## CHAPTER 99

## WORKS OF ART, COLLECTORS' PIECES, AND ANTIQUES

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
99.01 Paintings, drawings and pastels, executed entirely by hand, (other than industrial drawings falling within heading No. 49.06 and other than hand-painted or hand-decorated manufactured articles).	Manufacture from materials not falling in Chapter 99.
99.02 Original engravings, prints and lithographs.	Manufacture from materials not falling in Chapter 99.
99.03 Original sculptures and statuary, in any material.	Manufacture from materials not falling in Chapter 99.

## SCHEDULE 2

## INTRODUCTORY NOTES

1. In the application of Regulation 2(1)(b) to goods specified in column 1 of this Schedule, the appropriate qualifying process shall be performed in respect of the whole of the goods, excluding any packing.

2. All stages of manufacture of the goods from the commencement of the qualifying process shall be performed in the area

3. Where a qualifying process provides for manufacture from alternative materials (e.g. "manufacture from ..... or from ....."), the use of one of these materials does not preclude the use of any of the others.

4. Nothing in the terms of the qualifying processes shall preclude the use of materials listed in Schedule 3 to these Regulations, provided that they undergo in the area a process of production or manufacture not being a process listed in Regulation 2(2).

5. References in column 2 to any material imported from outside the area, or of undetermined origin, shall be deemed not to be references to any material described in head (a) or head (b) of regulation 3(1).

6. In the case of goods which are denoted by \* and which contain two or more textile materials, a total amount of such material or materials (other than the material predominating by weight) not exceeding 20 per cent by weight of all the textile materials in the goods need not have been manufactured in the Area from the starting point specified in the relative process, but may have been introduced into the process at any stage. For the purpose of this provision, each of the following shall be regarded as a single textile material.

- (a) silk and waste silk
- (b) man-made fibres (continuous)
- (c) man-made fibres (discontinuous)
- (d) metallised textiles
- (e) wool
- (f) other animal hair
- (g) flax and ramie
- (h) cotton
- (i) other vegetable fibres.

7. Four-figure references of the type "53.05" are references to headings of the Customs Tariff 1959; references to Chapters are references to Chapters of the Customs Tariff 1959.

\* See Introductory Note 6 to this Schedule.



## CHAPTER 40

## RUBBER, SYNTHETIC RUBBER, FACTICE, AND ARTICLES THEREOF

1

*Tariff heading and Description*

\*40.06 Coated or impregnated textile thread.

40.10 Transmission, conveyor or elevator belts or belting, of vulcanised rubber, containing textiles.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in 40.06 or Chapters 50 to 62.

Manufacture from fibres or yarns (Chapters 50 to 59); or from fabric (Chapters 51 and 56); or from materials not falling in 40.10 or Chapters 50 to 62.

## CHAPTER 50

## SILK AND WASTE SILK

1

*Tariff heading and Description*

\*50.03 Silk waste, carded or combed or otherwise prepared for spinning.

\*50.04 Silk yarn, other than yarn of noil or other waste silk, not put up for retail sale.

\*50.05 Yarn spun from silk waste other than noil, not put up for retail sale.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 50, 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from

\* See Introductory Note 6 to this Schedule.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
50.05— <i>cont.</i>	fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*50.06 Yarn spun from noil silk, not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*50.07 Silk yarn and yarn spun from noil or other waste silk, put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
50.08 Silk-worm gut.	Manufacture from silk-worms (05.15).
*50.08 Imitation catgut of silk.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from materials not falling in Chapters 50 to 62.
*50.09 Woven fabrics of silk or of waste silk other than noil.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
50.09 Woven fabrics, dyed, containing 80 per cent or more by weight of silk or of waste silk other than noil.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
50.09 Woven fabrics, printed, of silk or of waste silk other than noil, containing not more than 20 per cent by weight of sheep's or lambs' wool and cotton together.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
50.09 Woven fabrics, dyed or printed, of wild silk (such as honan, pongee, tussore and shantung), wholly of tussore yarn produced from the uncultivated silk-worm.	Manufacture from fabric, not dyed or printed (50.09), or from materials not falling in Chapters 50 to 62.
*50.10 Woven fabrics of noil silk.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

## CHAPTER 51

## MAN-MADE FIBRES (CONTINUOUS)

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*51.01 Yarn of man-made fibres (continuous), not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from material not falling in Chapters 50 to 62.
*51.02 Monofil, strip (artificial straw and the like) and imitation catgut, of man-made fibre materials.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1

*Tariff heading and Description*

\*51.03 Yarn of man-made fibres (continuous), put up for retail sale.

\*51.04 Woven fabrics of man-made fibres (continuous), including woven fabrics of monofil or strip of heading No. 51.01 or 51.02.

51.04 Woven fabrics of man-made fibres (continuous), printed or flocked.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

## CHAPTER 52

## METALLISED TEXTILES

1

*Tariff heading and Description*

\*52.01 Metallised yarn, being textile yarn spun with metal or covered with metal by any process.

\*52.02 Woven fabrics of metal thread or of metallised yarn, of a kind used in articles of apparel, as furnishing fabrics or the like.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or by fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

## CHAPTER 53

## WOOL AND OTHER ANIMAL HAIR

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*53.04 Waste of sheep's or lambs' wool or of other animal hair (fine or coarse), pulled or garnetted (including pulled or garnetted rags).	Manufacture from materials falling in 53.03 or from materials not falling in Chapters 50 to 62.
*53.05 Sheep's or lambs' wool or other animal hair (fine or coarse), carded or combed.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from materials not falling in Chapters 50 to 62.
*53.06 Yarn of carded sheep's or lambs' wool (woollen yarn), not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*53.07 Yarn of combed sheep's or lambs' wool (worsted yarn), not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*53.08 Yarn of fine animal hair (carded or combed), not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1

*Tariff heading and Description*

\*53.09 Yarn of horsehair or of other coarse animal hair, not put up for retail sale.

\*53.10 Yarn of sheep's or lambs' wool, of horsehair or of other animal hair (fine or coarse), put up for retail sale.

\*53.11 Woven fabrics of sheep's or lambs' wool or of fine animal hair.

\*53.12 Woven fabrics of coarse animal hair other than horsehair.

\*53.13 Woven fabrics of horsehair.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from cuprammonium rayon fibres or fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

## CHAPTER 54

## FLAX AND RAMIE

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*54.01 Flax, hackled (combed) or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53, 54 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
*54.02 Ramie, combed or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53, 54 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
*54.03 Flax or ramie yarn, not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
*54.04 Flax or ramie yarn, put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
*54.05 Woven fabrics of flax or of ramie.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

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\* See Introductory Note 6 to this Schedule.

## CHAPTER 55

## COTTON

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
55.03 Cotton waste, pulled or garnetted (including pulled or garnetted rags), not carded or combed.	Manufacture from cotton waste, not pulled or garnetted (55.03), or from materials not falling in Chapters 50 to 62.
*55.04 Cotton, carded or combed.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from materials not falling in Chapters 50 to 62.
*55.05 Cotton yarn, not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*55.06 Cotton yarn, put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*55.07 Cotton gauze.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*55.08 Terry towelling and similar terry fabrics, of cotton.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.



1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*55.09 Other woven fabrics of cotton.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
55.09 Other woven fabrics of cotton, flocked.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
55.09 Organdies, bleached or dyed, and mercerised and parchmentised.	Manufacture from yarns, not bleached or dyed (Chapters 50 to 59), or from materials not falling in Chapters 50 to 62.
55.09 Articles of square-meshed canvas, cut to size not exceeding 1½ square metres, with painted or stencilled designs, of a kind intended to be embroidered by hand.	Manufacture from fibres, not spun or thrown ; or, by processes which must include hand-painting or hand-stencilling, from canvas without designs (55.09), provided that the value of any canvas which has not been manufactured from the stage of fibres in the area is less than 30 per cent. of the export price of the goods ; or from materials not falling in Chapters 50 to 62.

## CHAPTER 56

## MAN-MADE FIBRES (DISCONTINUOUS)

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
56.01 Man-made fibres (discontinuous), not carded, combed or otherwise prepared for spinning.	Manufacture from materials not falling in Chapters 50 to 62.
56.02 Continuous filament tow for the manufacture of man-made fibres (discontinuous).	Manufacture from materials not falling in Chapters 50 to 62.
*56.04 Man-made fibres (discontinuous or waste), carded, combed or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*56.05 Yarn of man-made fibres (discontinuous or waste), not put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
*56.06 Yarn of man-made fibres (discontinuous or waste), put up for retail sale.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
*56.07 Woven fabrics of man-made fibres (discontinuous or waste)	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
56.07 Woven fabrics of man-made fibres (discontinuous or waste), printed or flocked.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

## CHAPTER 57

## OTHER VEGETABLE TEXTILE MATERIALS ; PAPER YARN AND WOVEN FABRICS OF PAPER YARN

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*57.01 True hemp, combed or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53, 55 or 57, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*57.02 Manila hemp, combed or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53, 55 or 57, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
*57.03 Jute, carded or combed or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53, 55 or 57, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
*57.04 Other vegetable textile fibres, carded or combed or otherwise prepared for spinning.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53, 55 or 57, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
*57.05 Yarn of true hemp.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
*57.06 Yarn of jute.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
*57.07 Yarn of other vegetable textile fibres.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1

*Tariff heading and Description*

57.08 Paper yarn.

\*57.09 Woven fabrics of true hemp.

\*57.10 Woven fabrics of jute.

\*57.11 Woven fabrics of other vegetable textile fibres.

57.12 Woven fabrics of paper yarn.

2

*Qualifying process*

Manufacture from materials not falling in 57.08.

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.

Manufacture from materials not falling in 57.08 or 57.12.

## CHAPTER 58

CARPETS, MATS, MATTING AND TAPESTRIES ; PILE AND CHENILLE FABRICS ; NARROW FABRICS ; TRIMMINGS ; TULLE AND OTHER NET FABRICS ; LACE ; EMBROIDERY

1

*Tariff heading and Description*

\*58.01 Carpets, carpeting and rugs, knotted (made up or not).

\*58.02 Other carpets, carpeting, rugs, mats and matting, and "Kelem", "Schumacks" and "Karamanie" rugs and the like (made up or not).

2

*Qualifying process*

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1

*Tariff heading and Description*

- 58.03 Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point and cross stitch) made in panels and the like by hand.
- \*58.04 Woven pile fabrics and chenille fabrics (other than terry towelling or similar terry fabrics of cotton falling within heading No. 55.08 and fabrics falling within heading No. 58.05).
- \*58.05 Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft assembled by means of an adhesive, other than goods falling within heading No. 58.06.
- \*58.06 Woven labels, badges and the like, not embroidered, in the piece, in strips or cut to shape or size.
- \*58.07 Chenille yarn, gimped yarn (other than metallised yarn of heading No. 52.01 and gimped horsehair yarn).
- \*58.07 Braids and ornamental trimmings in the piece; tassels, pompons and the like.

2

*Qualifying process*

Manufacture from materials not falling in 58.03.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from cuprammonium rayon yarn (51.01, 51.02 or 56.05); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapter 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*58.08 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), plain.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
58.08 Net fabrics, of a uniform square or diamond-shaped mesh knotted at each corner, entirely of cotton or of fibres of the kind defined in Note 1 (a) to Chapter 51.	Manufacture from fibres or single yarn (Chapters 55 or 56) ; or from continuous yarns (51.01 or 51.02) made entirely of fibres of the kind defined in Note 1 (a) to Chapter 51 ; or from materials not falling in Chapters 50 to 62.
*58.09 Tulle and other net fabrics (but not including woven, knitted or crocheted fabrics), figured ; hand or mechanically made lace, in the piece, in strips or in motifs.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
58.10 Embroidery, in the piece, in strips or in motifs.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62
	or
	Manufacture from fibres or yarns or unembroidered fabric (Chapters 50 to 60), provided that the value of the unembroidered fabric does not exceed 50 per cent of the export price of the goods ; or from materials not falling in Chapters 50 to 62.

## CHAPTER 59

WADDING AND FELT ; TWINE, CORDAGE, ROPES AND CABLES ; SPECIAL FABRICS ;  
IMPREGNATED AND COATED FABRICS ; TEXTILE ARTICLES OF A KIND SUITABLE  
FOR INDUSTRIAL USE

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*59.01 Wadding and articles of wadding ; textile flock and dust and mill neps.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

1

2

*Tariff heading and Description**Qualifying process*

- \*59.01 Sanitary towels.** Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
- \*59.02 Felt and articles of felt, whether or not impregnated or coated.** Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
- \*59.03 Bonded fibre fabrics and articles of bonded fibre fabrics, whether or not impregnated or coated.** Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from materials not falling in Chapters 50 to 62.
- \*59.04 Twine, cordage, ropes and cables, plaited or not, other than continuous single yarn made entirely of fibres of the kind defined in Note 1 (a) to Chapter 51.** Manufacture from natural fibres or fibres of the kind defined in Note 1 (a) to Chapter 51, not spun or thrown, and, in the case of fibres falling in Chapter 53, 55 or 56, not carded or combed ; or from yarns made entirely of fibres of the kind defined in Note 1 (a) to Chapter 51 and being continuous yarn (51.01 or 51.02) or continuous single yarn (59.04) ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.
- \*59.04 Continuous single yarn made entirely of fibres of the kind defined in Note 1 (a) to Chapter 51.** Manufacture from materials not falling in Chapters 50 to 62.
- \*59.05 Nets and netting made of twine, cordage or rope, and made up fishing nets of yarn, twine, cordage or rope.** Manufacture from fibres or single yarn (Chapters 50 to 59) ; or from continuous yarns (51.01, 51.02 or 59.04) made entirely of fibres of the kind defined in Note 1 (a) to Chapter 51 ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.
- \*59.06 Other articles made from yarn, twine, cordage, rope or cables, other than textile fabrics and articles made from such fabrics.** Manufacture from fibres or single yarn (Chapters 50 to 59) ; or from continuous yarns (51.01, 51.02 or 59.04) made entirely of fibres of the kind defined in Note 1 (a) to Chapter 51 ; or from coir yarn (57.07) ; or from materials not falling in Chapters 50 to 62.

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\* See Introductory Note 6 to this Schedule.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*59.07 Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar woven fabrics for hat foundations and similar uses.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
59.08 Textile fabrics impregnated or coated with preparations of cellulose derivatives or of other artificial plastic materials.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
59.09 Textile fabrics coated or impregnated with oil or preparations with a basis of drying oil.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
59.09 Oilsilk, of which the textile constituents are wholly of silk.	Manufacture from materials not falling in 59.09.
*59.11 Fabrics composed of parallel textile yarns agglomerated with rubber.	Manufacture from natural fibres, not spun or thrown, and, in the case of fibres falling in Chapter 53 or 55, not carded or combed; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from materials not falling in Chapters 50 to 62 and not being impregnated textile thread (40.06).
*59.11 Other rubberised textile fabrics of this heading, but excluding plates, sheets and strip of expanded, foam or sponge rubber combined with textile fabric.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62 and not being impregnated textile thread (40.06).
59.12 Textile fabrics otherwise impregnated or coated.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
59.12 Painted canvas being theatrical scenery, studio back-cloths or the like.	Manufacture from fibres, yarns or unpainted fabric (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.



1	2
<i>Tariff heading and description</i>	<i>Qualifying process</i>
*59.13 Elastic fabrics and trimmings (other than knitted or crocheted goods) consisting of textile materials combined with rubber threads.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62, provided that any textile-covered thread or cord falling in Chapter 40 is of Area origin.
59.14 Wicks, of woven, plaited or knitted textile materials, for lamps, stoves, lighters, candles and the like; tubular knitted gas-mantle fabric and incandescent gas mantles.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*59.15 Textile hosepiping and similar tubing, of which flax or true hemp or both together make up 50 per cent or more by weight of the textile constituents.	Manufacture from natural fibres, not spun or thrown (Chapters 50 to 57), or from materials not falling in Chapters 50 to 62.
59.15 Other textile hosepiping and similar tubing.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*59.16 Transmission, conveyor or elevator belts or belting, of textile material, whether or not strengthened with metal or other material.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
*59.17 Textile products of a kind commonly used in machinery or plant, as defined in Note 5 (a) to Chapter 59.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from coir yarn (57.07); or from materials not falling in Chapters 50 to 62.
59.17 Bolting cloth.	Manufacture from materials not falling in 59.17.
*59.17 Textile articles other than the products defined in Note 5 (a) to Chapter 59.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

## CHAPTER 60

## KNITTED AND CROCHETED GOODS

*Note* : In the case of goods in this Chapter denoted by §, any trimmings and accessories (but not lining) need not have been manufactured in the Area from the starting points specified in the relative qualifying process, but may have been introduced into the process at any stage.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*60.01 Knitted or crocheted fabric, not elastic nor rubberised.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§60.02 Gloves, mittens and mitts, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*60.02 Other gloves, mittens and mitts.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§60.03 Stockings, under stockings, socks, ankle-socks, sockettes and the like, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*60.03 Other stockings, under stockings, socks, ankle-socks, sockettes and the like.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§60.04 Under garments, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.

1

2

*Tariff heading and Description**Qualifying process***\*60.04 Other under garments.**

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

§60.05 Outer garments and other articles, complete and ready for wear or use, other than blankets.

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

**\*60.05 Other articles of this heading.**

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

**\*60.06 Knitted or crocheted fabric, elastic or rubberised.**

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62, provided that any textile-covered thread and cord falling in Chapter 40 is of Area origin.

§60.06 Articles of a kind corresponding to the goods classified in headings 60.02 to 60.05, elastic or rubberised, complete and ready for wear or use.

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

**\*60.06 Other articles of this heading.**

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.

## CHAPTER 61

## ARTICLES OF APPAREL AND CLOTHING ACCESSORIES OF TEXTILE FABRIC, OTHER THAN KNITTED OR CROCHETED GOODS

*Note* : In the case of goods in this Chapter denoted by §, any trimmings and accessories (but not lining need not have been manufactured in the Area from the starting points specified in the relative qualifying process, but may have been introduced into the process at any stage.

1

*Tariff heading and Description*

§61.01 Men's and boys' outer garments, complete and ready for wear.

\*61.01 Other men's and boys' outer garments.

§61.02 Women's, girls' and infants' outer garments, complete and ready for wear.

§61.02 Women's, girls' and infants' outer garments of the following kinds, complete and ready for wear: dresses, skirts, jackets, trousers (other than trousers of which the fabric is of a kind falling in 55.08 or 55.09), costumes (consisting of jacket and skirt or jacket and trousers), overcoats and infants' embroidered outer garments.

§61.02 Women's, girls' and infants' embroidered blouses, complete and ready for wear, or complete but in not more than 7 unassembled parts.

2

*Qualifying process*

Manufacture from fibres or yarns or (except in the case of lining) from fabric (Chapters 50 to 59), provided that the value of any fabric (not being lining, trimmings or accessories) which has not been manufactured from the stage of fibres or yarns in the Area is less than 45 per cent of the export price of the goods; or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the Kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

Manufacture from fibres or yarns or (except in the case of lining) from fabric (Chapters 50 to 59), provided that the value of any fabric (not being lining, trimmings or accessories) which has not been manufactured from the stage of fibres or yarns in the Area is less than 45 per cent of the export price of the goods; or from materials not falling in Chapters 50 to 62.

Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

or

Manufacture from fibres or yarns or unembroidered fabric (Chapters 50 to 59) provided that

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
§61.02— <i>cont.</i>	the value of all the unembroidered fabric (excluding any trimmings and accessories) does not exceed 40 per cent of the export price of the goods ; or from materials not falling in Chapters 50 to 62.
*61.02 Other women's, girls' and infants' outer garments.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§61.03 Men's and boys' under garments, complete and ready for wear, including collars, shirt fronts and cuffs.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*61.03 Other men's and boys' under garments.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§61.04 Women's, girls' and infants' under garments, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*61.04 Other women's, girls' and infants' under garments.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§61.05 Handkerchiefs, complete and ready for use.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
§61.05 Handkerchiefs, embroidered, complete and ready for use.	Manufacture from fibres, yarns or unembroidered fabric (Chapters 50 to 59), provided that the value of the unembroidered fabric (excluding any trimmings and accessories) does not exceed 50 per cent of the export price of the goods ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
*61.05 Other handkerchiefs.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§61.06 Shawls, scarves, mufflers, mantillas, veils and the like, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
§61.06 Shawls, scarves, mufflers, mantillas, veils and the like, embroidered, complete and ready for wear.	Manufacture from fibres, yarns or unembroidered fabric (Chapters 50 to 59), provided that the value of the unembroidered fabric (excluding any trimmings and accessories) does not exceed 50 per cent of the export price of the goods ; or from materials not falling in Chapters 50 to 62.
*61.06 Other goods of this heading.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§61.07 Ties, bow ties and cravats, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*61.07 Other goods of this heading.	Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.
§61.08 Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
§61.08 Collars, tuckers, fallals, bodice-fronts, jabots, cuffs, flounces, yokes and similar accessories and trimmings for women's and girls' garments, embroidered.	Manufacture from fibres, yarns or unembroidered fabric (Chapters 50 to 59), provided that the value of the unembroidered fabric does not exceed 50 per cent of the export price of the goods; or from materials not falling in Chapters 50 to 62.
§61.09 Corsets, corset-belts, suspender-belts, brassières, braces, suspenders, garters and the like (including such articles of knitted or crocheted fabric), complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
61.09. Brassières, corsets, corset-belts, corselettes, girdle corsets, hip belts and similar body-supporting under garments, complete and ready for wear.	Manufacture from materials not falling in 61.09, provided that the value of any material imported from outside the Area or of undetermined origin does not exceed 40 per cent of the export price of the goods.
*61.09 Goods of this heading, not complete and ready for wear.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
§61.10 Gloves, mittens, mitts, stockings, socks and sockettes, not being knitted or crocheted goods, complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.
*61.10 Other goods of this heading.	Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.
§61.11 Made up accessories for articles of apparel (for example, dress shields, shoulder and other pads, belts, muffs, sleeve protectors, pockets), complete and ready for wear.	Manufacture from fibres or yarns (Chapters 50 to 59) or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.

1

*Tariff heading and Description*

\*61.11 Other goods of this heading.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

## CHAPTER 62

## OTHER MADE UP TEXTILE ARTICLES

*Note :* In the case of goods in this Chapter denoted by §, any trimmings and accessories (but not lining) need not have been manufactured in the Area from the starting points specified in the relative qualifying process, but may have been introduced into the process at any stage.

1

*Tariff heading and Description*

\*§62.01 Travelling rugs and blankets.

2

*Qualifying process*

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

\*§62.02 Bed linen, table linen, toilet linen and kitchen linen ; curtains and other furnishing articles.

Manufacture from natural fibres, not spun or thrown ; or from waste of man-made fibres falling in 56.03 or waste of natural fibres ; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02) ; or from materials not falling in Chapters 50 to 62.

§62.02 The following goods, embroidered : table linen, curtains, runners, antimacassars, chair-arm covers, cushion covers (not being bed linen) and furnishing articles designed for use in churches and similar places of worship.

Manufacture from fibres, yarns or unembroidered fabric (Chapters 50 to 59), provided that the value of the unembroidered fabric (excluding any trimmings and accessories) does not exceed 50 per cent of the export price of the goods ; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.

§ See Introductory Note to this Chapter.



1

*Tariff heading and Description*

- 62.02 Articles of square-meshed canvas, cut to size not exceeding  $1\frac{1}{2}$  square metres, with painted or stencilled designs, of a kind intended to be embroidered by hand.
- \*62.03 Sacks and bags, of a kind used for the packing of goods.
- \*§62.04 Tarpaulins, sails, awnings, sun-blinds, tents and camping goods.
- \*§62.05 Other made-up textile articles (including dress patterns).
- §62.05 Furnishing articles, embroidered, designed for use in churches and similar places of worship.
- 62.05 Other made-up textile articles in the piece or in strips, embroidered.

2

*Qualifying process*

Manufacture from fibres, not spun or thrown; or, by processes which must include hand-painting or hand-stencilling, from canvas without designs (55.09), provided that the value of any canvas which has not been manufactured from the stage of fibres in the area is less than 30 per cent. of the export price of the goods; or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from natural fibres, not spun or thrown; or from waste of man-made fibres falling in 56.03 or waste of natural fibres; or from fibres of the kind defined in Note 1 (a) to Chapter 51 (discontinuous fibres 56.01 or tow 56.02); or from materials not falling in Chapters 50 to 62.

Manufacture from fibres, yarns or unembroidered fabric (Chapters 50 to 59), provided that the value of the unembroidered fabric (excluding any trimmings and accessories) does not exceed 50 per cent of the export price of the goods; or from materials not falling in Chapters 50 to 62.

Manufacture from fibres or yarns or unembroidered fabric (Chapters 50 to 60), provided that the value of the unembroidered fabric does not exceed 50 per cent of the export price of the goods; or from materials not falling in Chapters 50 to 62.

\* See Introductory Note 6 to this Schedule.  
 § See Introductory Note to this Chapter.

1	2
<i>Tariff heading and Description</i>	<i>Qualifying process</i>
62.05 Articles of square-meshed canvas, cut to size not exceeding 1½ square metres, with painted or stencilled designs, of a kind intended to be embroidered by hand.	Manufacture from fibres, not spun or thrown; or, by processes which must include hand-painting or hand-stencilling, from canvas without designs (55.09), provided that the value of any canvas which has not been manufactured from the stage of fibres in the area is less than 30 per cent of the export price of the goods; or from materials not falling in Chapters 50 to 62.

### SCHEDULE 3

#### DESCRIPTION OF MATERIALS

*(Reproducing the Basic Materials List contained in Schedule III to Annex B to the Convention establishing the European Free Trade Association)*

*Note. The materials in this list are described by reference to their classification in the Customs Tariff 1959.*

- 05.01 Human hair, unworked, whether or not washed or scoured; waste of human hair.
- 05.02 Pigs', hogs' and boars' bristles or hair; badger hair and other brush making hair; waste of such bristles and hair.
- 05.03 Horsehair, not curled, and horsehair waste, whether or not put up on a layer or between two layers of other material.
- 05.04 Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof.
- 05.05 Fish waste.
- 05.06 Sinews and tendons; parings and similar waste, of raw hides or skins.
- 05.08 Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products.
- 05.09 Horns, antlers, hooves, nails, claws and beaks of animals, unworked or simply prepared but not cut to shape and waste and powder of these products; whalebone and the like, unworked or simply prepared but not cut to shape, and hair and waste of these products.
- 05.10 Ivory, unworked or simply prepared but not cut to shape; powder and waste of ivory.
- 05.11 Tortoise-shell (shells and scales), unworked or simply prepared but not cut to shape; claws and waste of tortoise-shell.
- 05.12 Coral and similar substances, unworked or simply prepared but not otherwise worked; shells, unworked or simply prepared but not cut to shape; powder and waste of shells.
- 05.13 Natural sponges.
- 05.14 Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; animal products, fresh, chilled or frozen, or otherwise provisionally preserved, of a kind used in the preparation of pharmaceutical products.

- 05.15 Animal products not elsewhere specified or included ; dead animals of Chapter 1 or Chapter 3, unfit for human consumption.
- 08.01 Coconuts, Brazil nuts, and cashew nuts, fresh or dried, shelled or not.
- 08.05 Nuts other than those falling within heading No. 08.01, fresh or dried, shelled or not.
- 08.13 Peel of melons and citrus fruit, fresh, frozen, dried, or provisionally preserved in brine, in sulphur water or in other preservative solutions.
- 09.01 Coffee, whether or not roasted or freed of caffeine ; coffee husks and skins ; coffee substitutes containing coffee in any proportion.
- 09.02 Tea.
- 09.03 Mat e.
- 09.04 Pepper of the genus *Piper* ; pimento of the genus *Capsicum* or the genus *Pimenta*.
- 09.05 Vanilla.
- 09.06 Cinnamon and cinnamon-tree flowers.
- 09.07 Cloves (whole fruit, cloves and stems).
- 09.08 Nutmeg, mace and cardamoms.
- 09.09 Seeds of anise, badian, fennel, coriander, cumin, caraway and juniper.
- 09.10 Thyme, saffron and bay leaves ; other spices.
- 12.01 Oil seeds and oleaginous fruit, whole or broken.
- 12.02 Ground-nut meal, non-defatted.
- 12.07 Plants and parts (including seeds and fruit) of trees, bushes, shrubs or other plants, being goods of a kind used primarily in perfumery, in pharmacy, or for insecticidal, fungicidal or similar purposes, fresh or dried, whole, cut, crushed, ground or powdered.
- 12.08 Fruit kernels and other vegetable products of a kind used primarily for human food, not falling within any other heading.
- 12.09 Cereal straw and husks, unprepared, or chopped but not otherwise prepared.
- 13.01 Raw vegetable materials of a kind used primarily in dyeing or in tanning.
- 13.02 Shellac, seed lac, stick lac and other lacs ; natural gums, resins, gum-resins and balsams.
- 13.03 Vegetable saps and extracts ; mucilages and thickeners, derived from vegetable products, other than agar-agar.
- 14.01 Vegetable materials of a kind used primarily for plaiting (for example, cereal straw, cleaned, bleached or dyed, osier, reeds, rushes, rattans, bamboos, raffia and lime bark).
- 14.02 Vegetable materials of a kind used primarily as stuffing or as padding, not put up on a layer or between two layers of other material.
- 14.03 Vegetable materials of a kind used primarily in brushes or in brooms, whether or not in bundles or hanks, other than istle put up on a layer or between two layers of other materials.
- 14.04 Hard seeds, pips, hulls and nuts, of a kind used for carving (for example, corozo and dom).
- 14.05 Vegetable products not elsewhere specified or included, not put up on a layer or between two layers of other material.
- 15.05 Wool grease and fatty substances derived therefrom (including lanolin).
- 15.11 Glycerol, crude, and glycerol lyes.
- 15.14 Spermaceti, crude, pressed or refined, whether or not coloured.
- 15.15 Beeswax and other insect waxes, whether or not coloured.
- 15.16 Vegetable waxes, whether or not coloured.

- 15.17 Residues resulting from the treatment of fatty substances or animal or vegetable waxes.
- 18.01 Cocoa beans, whole or broken, raw or roasted.
- 18.02 Cocoa shells, husks, skins and waste.
- 18.03 Cocoa paste (in bulk or in block), whether or not defatted.
- 18.04 Cocoa butter (fat or oil).
- 23.03 Bagasse ; corn steep water.
- 24.01 Unmanufactured tobacco ; tobacco refuse.
- 25.01 Common salt (including rock salt, sea salt and table salt) ; pure sodium chloride ; salt liquors ; sea water.
- 25.02 Iron pyrites (including cupreous iron pyrites), unroasted.
- 25.03 Sulphur of all kinds, other than sublimed sulphur, precipitated sulphur and colloidal sulphur.
- 25.04 Natural graphite.
- 25.05 Natural sands of all kinds, whether or not coloured, other than metal-bearing sands falling within heading No. 26.01.
- 25.06 Quartz (other than natural sands) ; quartzite, including quartzite not further worked than roughly split, roughly squared or squared by sawing.
- 25.07 Clay (for example, kaolin and bentonite), andalusite, kyanite and sillimanite, whether or not calcined, but not including expanded clays falling within heading No. 68.07 ; mullite ; chamotte and dinas earths.
- 25.08 Chalk.
- 25.09 Earth colours, whether or not calcined or mixed together ; natural micaceous iron oxides.
- 25.10 Natural mineral calcium phosphates, natural aluminium calcium phosphates, apatite and phosphatic chalk.
- 25.11 Natural barium sulphate (barytes) ; natural barium carbonate (witherite), whether or not calcined.
- 25.12 Infusorial earths, siliceous fossil meals and similar siliceous earths (for example, kieselguhr, tripolite or diatomite), whether or not calcined, of an apparent specific gravity of 1 or less.
- 25.13 Pumice stone ; emery ; natural corundum, natural garnet and other natural abrasives, whether or not heat-treated.
- 25.14 Slate, including slate not further worked than roughly split, roughly squared or squared by sawing.
- 25.15 Marble, travertine, ecaussine and other calcareous monumental and building stone of an apparent specific gravity of 2.5 or more and alabaster, including such stone not further worked than roughly split, roughly squared or squared by sawing.
- 25.16 Granite, porphyry, basalt, sandstone and other monumental and building stone, including such stone not further worked than roughly split, roughly squared or squared by sawing.
- 25.17 Pebbles and crushed or broken stone (whether or not heat-treated), gravel, macadam and tarred macadam, of a kind commonly used for concrete aggregates, for road metalling or for railway or other ballast ; flint and shingle, whether or not heat-treated ; granules and chippings (whether or not heat-treated) and powder of stones falling within heading No. 25.15 or 25.16.
- 25.18 Dolomite, whether or not calcined, including dolomite not further worked than roughly split, roughly squared or squared by sawing ; agglomerated dolomite (including tarred dolomite).
- 25.19 Natural magnesium carbonate (magnesite), whether or not calcined.

- 25.20 Gypsum; anhydrite; calcined gypsum, and plasters with a basis of calcium sulphate, whether or not coloured, but not including plasters specially prepared for use in dentistry.
- 25.21 Limestone flux and calcareous stone, commonly used for the manufacture of lime or cement.
- 25.22 Quicklime, slaked lime and hydraulic lime.
- 25.23 Portland cement, high alumina cement, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured, but not in the form of clinker.
- 25.24 Asbestos.
- 25.25 Meerschaum (whether or not in polished pieces) and amber; agglomerated meerschaum and agglomerated amber, in plates, rods, sticks or similar forms, not worked after moulding; jet.
- 25.26 Mica, including splittings; mica waste.
- 25.27 Natural steatite, including natural steatite not further worked than roughly split, roughly squared or squared by sawing; talc.
- 25.28 Natural cryolite and natural chiolite.
- 25.29 Natural arsenic sulphides.
- 25.30 Crude natural borates and concentrates thereof (calcined or not), but not including borates separated from natural brine; crude natural boric acid containing not more than eighty-five per cent of  $H_2BO_3$ , calculated on the dry weight.
- 25.31 Felspar, leucite, nepheline and nepheline syenite; fluorspar.
- 25.32 Strontianite (whether or not calcined) other than strontium oxide; mineral substances not elsewhere specified or included; broken pottery.
- 26.01 Metallic ores and concentrates thereof; roasted iron pyrites including roasted cupreous iron pyrites.
- 26.02 Slag, dross, scalings and similar waste from the manufacture of iron or steel.
- 26.03 Ash and residues (other than from the manufacture of iron or steel), containing metals or metallic compounds.
- 26.04 Other slag and ash, including kelp.
- 27.01 Coal (*except when, after processing in the Area, it remains coal (27.01)*).
- 27.01 Briquettes, ovoids and similar solid fuels manufactured from coal.
- 27.02 Lignite, whether or not agglomerated.
- 27.03 Peat (including peat litter), whether or not agglomerated.
- 27.04 Coke and semi-coke of coal, of lignite or of peat.
- 27.05 Retort carbon.
- 27.05 (*bis*) Coal gas, water gas, producer gas and similar gases.
- 27.06 Tar distilled from coal, from lignite or from peat, and other mineral tars, including partially distilled tars and blends of pitch with creosote oils or with other coal tar distillation products.
- 27.07 Oils and other products of the distillation of high temperature coal tars and similar oils and products obtained by other processes (for example, benzole, creosote, cresylic acid and solvent naphtha).
- 27.08 Pitch and pitch coke, obtained from coal tar or from other mineral tars.
- 27.09 Petroleum oils and oils obtained from bituminous minerals, crude.
- 27.10 Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing not less than seventy per cent by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations.
- 27.11 Petroleum gases and other gaseous hydrocarbons.
- 27.12 Petroleum jelly.

- 27.13 Paraffin wax, micro-crystalline wax, slack wax, ozokerite, lignite wax, peat wax and other mineral waxes, whether or not coloured.
- 27.14 Petroleum bitumen, petroleum coke and other residues of petroleum oils or of oils obtained from bituminous minerals.
- 27.15 Bitumen and asphalt, natural; bituminous shale, asphaltic rock and tar sands.
- 27.17 Electric current.
- 28.01 Iodine.
- 28.02 Sulphur, sublimed or precipitated; colloidal sulphur.
- 28.03 Carbon, including carbon black, anthracene black, acetylene black and lamp black.
- 28.04 Tellurium.
- 28.05 Lithium; mercury.
- 28.20 Aluminium oxide.
- 28.42 Neutral potassium carbonate, anhydrous.
- 28.50 Waste and scrap of uranium.
- 31.01 Guano and other natural animal or vegetable fertilisers, whether or not mixed together, but not chemically treated.
- 31.02 Sodium nitrate, natural.
- 31.04 Crude natural potassium salts (carnallite, kainite, sylvinit, etc.); potassium chloride.
- 32.04 Colouring matter of vegetable origin (including dyewood extract and other vegetable dyeing extracts, but excluding indigo) or of animal origin.
- 33.01 Essential oils, other than eucalyptus oil; concretes and absolutes; resinoids.
- 34.04 Chemically modified lignite waxes and mixtures of such waxes.
- 38.06 Concentrated sulphite lye.
- 38.07 Spirits of turpentine (gum, wood and sulphate) and other terpenic solvents produced by the distillation or other treatment of coniferous woods; crude dipentene; sulphite turpentine; pine oil (excluding "pine oils" not rich in terpineol).
- 38.08 Rosin and resin acids, and derivatives thereof other than ester gums included in heading No. 39.05; rosin spirit and rosin oils.
- 38.09 Wood tar; wood tar oils (other than the composite solvents and thinners falling within heading No. 38.18); wood creosote; wood naphtha; acetone oil.
- 38.10 Vegetable pitch of all kinds; brewers' pitch and similar compounds based on rosin or on vegetable pitch; foundry core binders based on natural resinous products.
- 38.19 Mixed alkylenes with a very low degree of polymerisation.
- 40.01 Natural rubber latex, whether or not with added synthetic rubber latex; pre-vulcanised natural rubber latex; natural rubber, balata, gutta-percha and similar natural gums.
- 40.02 Synthetic rubber latex; pre-vulcanised synthetic rubber latex; synthetic rubber; factice derived from oils.
- 40.03 Reclaimed rubber.
- 40.04 Waste and parings of unhardened rubber; scrap of unhardened rubber, fit only for the recovery of rubber; powder obtained from waste or scrap of unhardened rubber.
- 40.05 Unvulcanised natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch.

- 40.15 Scrap, waste and powder, of hardened rubber.
- 41.01 Raw hides and skins (fresh, salted, dried, pickled or limed), whether or not split, including sheepskins in the wool.
- 43.01 Raw furskins.
- 44.01 Fuel wood, in logs, in billets, in twigs or in faggots; wood waste, including sawdust.
- 44.02 Wood charcoal (including shell and nut charcoal), agglomerated or not.
- 44.03 Wood in the rough, whether or not stripped of its bark or merely roughed down.
- 44.04 Wood, roughly squared or half-squared, but not further manufactured.
- 44.05 Wood sawn lengthwise, sliced or peeled, but not further prepared, of a thickness exceeding five millimetres.
- 45.01 Natural cork, unworked, crushed, granulated or ground; waste cork.
- 47.01 Pulp derived by mechanical or chemical means from any fibrous vegetable material.
- 47.02 Waste paper and paperboard; scrap articles of paper or of paperboard, fit only for use in paper-making.
- 50.01 Silk-worm cocoons suitable for reeling.
- 50.02 Raw silk (not thrown).
- 50.03 Silk waste (including cocoons unsuitable for reeling, silk noils and pulled or garnetted rags).
- 53.01 Sheep's or lambs' wool, not carded or combed.
- 53.02 Other animal hair (fine or coarse), not carded or combed.
- 53.03 Waste of sheep's or lambs' wool or of other animal hair (fine or coarse), not pulled or garnetted.
- 53.04 Waste of sheep's or lambs' wool or of other animal hair (fine or coarse), pulled or garnetted (including pulled or garnetted rags).
- 54.01 Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags).
- 54.02 Ramie, raw or processed but not spun; ramie noils and waste (including pulled or garnetted rags).
- 55.01 Cotton, not carded or combed.
- 55.02 Cotton linters.
- 55.03 Cotton waste (including pulled or garnetted rags), not carded or combed.
- 56.03 Waste (including yarn waste and pulled or garnetted rags) of man-made fibres (continuous or discontinuous), not carded, combed or otherwise prepared for spinning.
- 57.01 True hemp (*Cannibis sativa*), raw or processed but not spun; tow and waste of true hemp (including pulled or garnetted rags or ropes).
- 57.02 Manila help (abaca) (*Musa textilis*), raw or processed but not spun; tow and waste of manila hemp (including pulled or garnetted rags or ropes).
- 57.03 Jute, raw or processed but not spun; tow and waste of jute (including pulled or garnetted rags or ropes).
- 57.04 Other vegetable textile fibres, raw or processed but not spun; waste of such fibres (including pulled or garnetted rags or ropes).
- 57.07 Coconut (coir) yarn.
- 63.02 Used or new rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables.
- 70.01 Waste glass (cullet); glass in the mass (excluding optical glass).
- 70.02 Glass of the variety known as "enamel" glass, in the mass, rods and tubes.

- 71.01 Pearls, unworked or worked, but not mounted, set or strung (except ungraded pearls temporarily strung for convenience of transport).
- 71.02 Precious and semi-precious stones, other than diamonds drilled so as to be adapted for use in wire-drawing dies, and other than piezo-electric quartz in the form of plates, bars or rods.
- 71.03 Synthetic ore constructed, precious or semi-precious stones, unworked, cut or otherwise worked, but not mounted, set or strung (except ungraded stones temporarily strung for convenience of transport).
- 71.04 Dust and powder of natural or synthetic precious or semi-precious stones.
- 71.05 Silver, unwrought, whether or not alloyed.
- 71.07 Gold, unwrought, whether or not alloyed.
- 71.09 Platinum and other metals of the platinum group, unwrought, whether or not alloyed.
- 71.09 Unalloyed platinum sheet and unalloyed palladium sheet, of a thickness of 6 millimetres or more.
- 71.11 Waste and scrap (including goldsmiths', silversmiths' and jewellers' sweepings, residues, lemls) of precious metal, fit only for the recovery of metal or for use in the manufacture of chemicals.
- 73.01 Pig iron, cast iron and spiegeleisen, in pigs, blocks, lumps and similar forms.
- 73.02 Ferro-alloys.
- 73.03 Waste and scrap metal of iron or steel.
- 73.04 Shot and angular grit, of iron or steel, whether or not graded; wire pellets of iron or steel.
- 73.05 Iron or steel powders; sponge iron or steel.
- 73.09 Universal plates of iron or steel (*when used in the production of goods falling in Chapters 84 to 90*).
- 73.10 Bars and rods (including wire rod), of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished (including precision-made) and hollow mining drill steel (*when used in the production of goods falling in Chapters 84 to 90*).
- 73.11 Angles, shapes and sections, of iron or steel, hot-rolled, forged, extruded, cold-formed or cold-finished and sheet piling of iron or steel, whether or not drilled, punched or made from assembled elements (*when used in the production of goods falling in Chapters 84 to 90*).
- 73.12 Hoop and strip, of iron or steel, hot-rolled or cold-rolled (*when used in the production of goods falling in Chapters 84 to 90*).
- 73.13 Sheets and plates, of iron or steel, hot-rolled or cold-rolled (*when used in the production of goods falling in Chapters 84 to 90*).
- 73.15 Alloy steel and high carbon steel in the forms mentioned in headings Nos. 73.09 to 73.13 (*when used in the production of goods falling in Chapters 84 to 90*).
- 74.01 Copper matte; cement copper; unwrought copper (refined or not); copper waste and scrap.
- 74.02 Master alloys.
- 75.01 Nickel mattes, nickel speiss and other intermediate products of nickel metallurgy; unwrought nickel (excluding electro-plating anodes); nickel waste and scrap.
- 75.02 Wrought bars and rods of nickel-copper alloys containing more than 60 per cent by weight of nickel.
- 75.03 Nickel powders and flakes.
- 75.05 Electro-plating anodes, of nickel, wrought or unwrought, including those produced by electrolysis.
- 76.01 Unwrought aluminium and aluminium waste and scrap (*when used in the production of goods not falling in 76.01*).



- 77.01 Unwrought magnesium ; magnesium waste (excluding shavings of uniform size) and scrap.  
 77.04 Beryllium waste and scrap.  
 78.01 Unwrought lead (including argentiferous lead) ; lead waste and scrap.  
 79.01 Unwrought zinc ; zinc waste and scrap.  
 80.01 Unwrought tin ; tin waste and scrap.  
 81.01 Tungsten waste and scrap.  
 81.02 Molybdenum, unwrought, and waste and scrap.  
 81.03 Tantalum waste and scrap.  
 81.04 Unalloyed, unwrought bismuth, cadmium, cobalt, gallium, indium, thallium ; waste and scrap of antimony, bismuth, cadmium, cobalt, chromium, gallium, germanium, hafnium, indium, manganese, niobium (colombium), rhenium, thallium, thorium, titanium, uranium depleted in U235, vanadium, zirconium.

## SCHEDULE 4

## REVOCATIONS

<i>Column 1</i>	<i>Column 2</i>
<i>Regulations revoked</i>	<i>S.I. Numbers and Volume References</i>
The European Free Trade Association (Origin of Goods) Regulations 1960.	S.I. 1960/780 (1960 I, p. 1005).
The European Free Trade Association (Origin of Goods) (Amendment) Regulations 1960.	S.I. 1960/1043 (1960 I, p. 1130).
The European Free Trade Association (Origin of Goods) (Amendment No. 2) Regulations 1960.	S.I. 1960/1422 (1960 I, p. 1132).
The European Free Trade Association (Origin of Goods) (Amendment No. 3) Regulations 1960.	S.I. 1960/2131 (1960 I, p. 1133).
The European Free Trade Association (Origin of Goods) (Amendment) Regulations 1961.	S.I. 1961/1110 (1961 II, p. 2088).
The European Free Trade Association (Origin of Goods) (Amendment) Regulations 1962.	S.I. 1962/299 (1962 I, p. 287).
The European Free Trade Association (Origin of Goods) (Amendment No. 2) Regulations 1962.	S.I. 1962/2203 (1962 III, p. 2990).
The European Free Trade Association (Origin of Goods) (Amendment) Regulations 1963.	S.I. 1963/91 (1963 I, p. 111).
The European Free Trade Association (Origin of Goods) (Amendment No. 2) Regulations 1963.	S.I. 1963/842 (1963 I, p. 1227).
The European Free Trade Association (Origin of Goods) (Amendment No. 3) Regulations 1963.	S.I. 1963/1296 (1963 II, p. 2246).
The European Free Trade Association (Origin of Goods) (Amendment No. 4) Regulations 1963.	S.I. 1963/1892 (1963 III, p. 3512).
The European Free Trade Association (Origin of Goods) (Amendment No. 5) Regulations 1963.	S.I. 1963/2053 (1963 III, p. 4342).

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations replace the European Free Trade Association (Origin of Goods) Regulations 1960, as amended, with the following further amendments :—

- (i) embroidered made-up textile articles in the piece or in strips, falling within tariff heading 62.05, are now to be regarded as being of E.F.T.A. origin if they have undergone in the E.F.T.A. Area the third process specified against tariff heading 62.05 in Schedule 2 ;
- (ii) a number of minor amendments have been made to the Schedules to take account of alterations recently made to the Brussels Nomenclature for the classification of goods in Customs tariffs.

1964 No. 1967

**REGISTRATION OF BIRTHS, DEATHS,  
MARRIAGES, ETC.**
**ABROAD**
**The Registration of Births and Deaths (High  
Commissioners) Regulations 1964**
*Made - - - - 7th December 1964**Coming into Operation 1st January 1965*

In the exercise of powers conferred upon me by section 29(1) of the British Nationality Act 1948(a), section 4(1) of the British Nationality Act 1958(b), and all other powers enabling me in that behalf, I hereby, with the consent of the Treasury, make the following regulations :—

1.—(1) These regulations may be cited as the Registration of Births and Deaths (High Commissioners) Regulations 1964 and shall come into operation on 1st January 1965.

(2) In these regulations, unless the context otherwise requires :—

“country” means a country for the time being specified in section 1(3) of the British Nationality Act 1948 ; “registration officer” means an officer appointed in accordance with Regulation 2 ;

“duly certified and sealed” means signed under the hand of a registration officer and impressed with the seal of the High Commissioner for the United Kingdom in a country ;

“register” means the register of births or the register of deaths, as the case may be, as prescribed in Regulations 3 and 4.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The High Commissioner for the United Kingdom in a country shall, where applicable, appoint one or more members of his staff to be a registration officer to whom shall be assigned the duty of maintaining the registers.

*Registers of Births and Deaths*

3.—(1) In each country in which the Secretary of State has so authorised there shall be maintained registers of births in which shall be recorded the birth within the country of a person in respect of whom a registration officer has received an application together with the prescribed fee and is satisfied that :—

(a) he is a citizen of the United Kingdom and Colonies ; or

(b) he is a British subject without citizenship who intends to make his ordinary place of residence in the United Kingdom, a Colony or Protectorate ; or

(a) 11 &amp; 12 Geo. 6. c. 56.

(b) 6 &amp; 7 Eliz. 2. c. 10.

(c) 52 &amp; 53 Vict. c. 63.

- (c) his father or, in the case of an illegitimate person, his mother, is, or would but for his death have been, a citizen of the United Kingdom and Colonies ; or
  - (d) the circumstances specified in section 1(2) of the British Nationality and Status of Aliens Act 1943(a) exist in his case.
- (2) Registers of births shall be in form A set out in the Schedule hereto.

4.—(1) In each country in which the Secretary of State has so authorised, there shall be maintained registers of deaths in which shall be recorded the death within the country of a person in respect of whom a registration officer has received an application together with the prescribed fee and is satisfied that at the time of death that :—

- (a) he was a citizen of the United Kingdom and Colonies ; or
- (b) he was a British subject without citizenship ; or
- (c) he was a British subject by virtue of section 2 of the British Nationality Act 1948 ; or
- (d) he was a minor at the time of his death and his father or, in the case of a person born illegitimate, his mother was, or would but for his death have been, a citizen of the United Kingdom and Colonies ; or
- (e) where such death occurred before 1st January 1949, he would, but for his death, have become a citizen of the United Kingdom and Colonies or British subject without citizenship.

(2) Registers of deaths shall be in form B as set out in the Schedule hereto.

#### *Registration of Births and Deaths*

5.—(1) On receiving an application for the registration of a birth or of a death, a registration officer shall record, as precisely as possible, in the register those particulars for the recording of which provision is made in the register.

(2) Such registration shall be in the manner and form directed in instructions issued under Regulation 14.

6. A registration officer shall not register a birth or death unless satisfied as to the facts of the case by the production of a locally issued certificate of birth or death or by the furnishing of a statutory declaration or by such other evidence as appears to him sufficient in the circumstances of the case.

7.—(1) A registration officer may at any time on the authority of the Secretary of State re-register the birth of a person born illegitimate whose birth has been previously registered under Regulation 3(1)(c) if he is satisfied that the person has been legitimated by the subsequent marriage of his parents and shall make a note to that effect in the margin of the previous entry.

(2) Such re-registration and such marginal note shall be in the manner and form directed in instructions issued under Regulation 14.

#### *Correction of Errors*

8.—(1) An entry in a register shall be deemed to have been completed by the signature of a registration officer.

(2) Any error or omission discovered in an entry before completion thereof may be rectified by a registration officer in the manner and form directed in instructions issued under Regulation 14.

(3) Any error or omission discovered in an entry after completion thereof may be rectified by a registration officer in the manner and form directed in instructions issued under Regulation 14 if he is satisfied as to the correctness of the facts of the case produced by the original informant or some other person cognisant of the facts of the case:

Provided that where, in the opinion of a registration officer, the error or omission is of a substantial nature or where more than 7 years have elapsed since the entry was recorded, he shall require the informant to furnish a statutory declaration as to the facts of the case.

(4) Where, after the completion of an entry in the register of births the person to whom the entry relates is given a name in baptism or otherwise differing from the name (if any) recorded therein, the name so given may, subject to the production of satisfactory evidence as to the facts of the case, be recorded in the register without alteration of the previous name.

#### *Transmission of copies*

9.—(1) Before the 1st day of February in each year a registration officer shall transmit to the Registrar General in London a copy, duly certified and sealed, of all entries recorded during the previous year in the registers maintained by him prepared in form C or D, as the case may be, set out in the Schedule hereto.

(2) If in any year there has been no entry made in any register maintained by him, a registration officer shall transmit to the Registrar General in London a certificate, duly certified and sealed, to that effect prepared in form E set out in the Schedule hereto.

(3) Where, under Regulation 7, a birth has been re-registered and a marginal note to that effect is made to the previous entry after a copy of such previous entry has been transmitted in accordance with paragraph (1) of this Regulation, a registration officer shall likewise transmit a certified copy of the previous entry showing the marginal note.

(4) Where an entry is corrected under Regulation 8(3) or where an additional or substituted name is added to an entry under Regulation 8(4) after a copy of the entry has been transmitted in accordance with paragraph (1) of this Regulation, a registration officer shall likewise transmit a certified copy of the corrected or amended entry.

10. Where it appears to a registration officer that an entry in a register records the birth of a child of a father (or mother, where the child is born illegitimate) born in Scotland or Northern Ireland or the death of a person so born, he shall mark such entry in the margin accordingly so that the Registrar General in London may transmit a certified copy of such entry to the Registrar General in Edinburgh or the Registrar General in Belfast as the case may be.

#### *Issue of Certified Copies*

11.—(1) A registration officer shall issue, on request and on payment of the prescribed fee, a copy duly certified and sealed, of an entry in a register:

Provided that where a birth has been re-registered under Regulation 7, a certified copy of the re-registered entry only shall be issued.

(2) Such copy, which shall be a complete copy of all the particulars recorded in an entry, including any correction, addition, or substitution made under Regulations 8 or 13, shall be on the form F or H, as the case may be, set out in the Schedule hereto:

Provided that where, under Regulation 13, a specified marginal addition has been made to an entry and later struck out, the addition and its cancellation shall be omitted from the certified copy.

12. A registration officer shall issue, on request and on payment of the prescribed fee, a short certificate, duly certified and sealed, in respect of an entry in a register of births on the form G set out in the Schedule hereto.

#### *Adoptions*

13.—(1) A registration officer shall, upon receipt of information from the Registrar General in London as to the making, quashing or revoking of an adoption order in respect of a person whose birth has been recorded in a register of births, make such marginal additions as may be specified by the Registrar General to the entry relating to that person.

(2) Such additions shall be recorded in the manner and form directed in instructions issued under Regulation 14.

(3) Having complied with the provisions of the foregoing paragraphs, a registration officer shall forthwith transmit to the Registrar General, a copy, duly certified and sealed, of the entry showing the additions.

14. The Secretary of State may from time to time give such instructions as to the functions or duties of registration officers under these regulations as he considers necessary.

15. Where the Secretary of State is satisfied that the conditions and requirements of these regulations cannot be complied with and that any registration of birth or death or any addition or correction of an entry in a register is one that should be made, he may authorise such registration, addition or correction, subject to such alternative condition as he may see fit to impose.

16. The following fees shall be levied by registration officers:—

	s.	d.
(1) For registering a birth or death ... ..	5	0
(2) For making an addition to or correction of an entry in a register ... ..	5	0
(3) For making a search for an entry in a register ... ..	5	0
(4) For furnishing a certified copy of an entry in a register ... ..	5	0
(5) For furnishing a short certificate of birth ... ..	1	6

*Arthur Bottomley,*  
One of Her Majesty's Principal  
Secretaries of State.

3rd December 1964.

We consent,

*G. H. R. Rogers,*  
*J. McCann,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

7th December 1964.

SCHEDULE

FORM A—FORM OF REGISTER OF BIRTHS

19 , BIRTHS within the district of the		at								
Columns	1	2	3	4	5	6	7	8	9	10
No.	When and where born	Name, if any	Sex	Name, and surname of father and claim to citizenship of the United Kingdom and Colonies or British Nationality	Name, surname and maiden surname of mother and claim to citizenship of the United Kingdom and Colonies or British Nationality	Rank, profession or occupation of father	Signature, description, and residence of informant	When registered	Signature of registration officer	Name(s) entered after registration

## FORM B—FORM OF REGISTER OF DEATHS

19 , DEATHS within the district of the _____ at _____									
Columns	1	2	3	4	5	6	7	8	9
No.	When and where died	Name and surname	Sex	Age	Rank, profession or occupation and claim to citizenship of the United Kingdom and Colonies or British nationality	Residence at the time of death	Signature, description, and residence of informant	When registered	Signature of registration officer



FORM C—ANNUAL RETURNS OF BIRTHS TO REGISTRAR GENERAL

19 , BIRTHS within the district of the		at								
Columns	1	2	3	4	5	6	7	8	9	10
No.	When and where born	Name, if any	Sex	Name, and surname of father and claim to citizenship of the United Kingdom and Colonies or British Nationality	Name, surname and maiden surname of mother and claim to citizenship of the United Kingdom and Colonies or British Nationality	Rank, profession or occupation of father	Signature, description, and residence of informant	When registered	Signature of registration officer	Name(s) entered after registration

I, \_\_\_\_\_, Registration Officer at \_\_\_\_\_, do hereby certify that this is a true copy of the entries of birth registered in this Office of the High Commissioner for the United Kingdom from the entry of birth of \_\_\_\_\_, No. \_\_\_\_\_, to the entry of birth of \_\_\_\_\_, No. \_\_\_\_\_.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ .  
 \_\_\_\_\_  
 Registration Officer

FORM D—ANNUAL RETURNS OF DEATHS TO REGISTRAR GENERAL

19 , DEATHS within the district of the \_\_\_\_\_ at \_\_\_\_\_

Columns	1	2	3	4	5	6	7	8	9
No.	When and where died	Name and surname	Sex	Age	Rank, profession or occupation and claim to citizenship of the United Kingdom and Colonies or British nationality	Residence at the time of death	Signature, description, and residence of informant	When registered	Signature of registration officer

I, \_\_\_\_\_, Registration Officer at \_\_\_\_\_, do hereby certify that this is a true copy of the entries of death registered in this Office of the High Commissioner for the United Kingdom from the entry of death of No. \_\_\_\_\_, to the entry of death of \_\_\_\_\_, No. \_\_\_\_\_.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ .  
 \_\_\_\_\_  
 Registration Officer

REGISTRATION OF BIRTHS, DEATHS,  
MARRIAGES, ETC.

FORM E—RETURN OF NO ENTRY HAVING BEEN MADE IN THE BIRTH OR  
DEATH REGISTERS DURING PRECEDING YEAR

THE DISTRICT OF THE.....AT.....

I, \_\_\_\_\_, Registration Officer at \_\_\_\_\_,  
do hereby certify that during the year ended the  
31st December, 19\_\_\_\_, no entry has been made in the register of Births\* maintained  
Deaths  
by me and the last recorded entry remains at No. \_\_\_\_\_.

Witness my hand and seal, the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Registration Officer

\* Strike out whichever does not apply. A separate return should be transmitted in respect  
of each register book in which no entry has been made.

FORM F—FORM OF CERTIFIED COPY OF AN ENTRY IN THE REGISTER OF BIRTHS

19 , BIRTHS within the district of the		at								
Columns	1	2	3	4	5	6	7	8	9	10
No.	When and where born	Name, if any	Sex	Name, and surname of father and claim to citizenship of the United Kingdom and Colonies or British or Nationality	Name, surname and maiden surname of mother and claim to citizenship of the United Kingdom and Colonies or British or Nationality	Rank, profession or occupation of father	Signature, description, and residence of informant	When registered	Signature of registration officer	Name(s) entered after registration

I, \_\_\_\_\_, Registration Officer at \_\_\_\_\_, No. \_\_\_\_\_, in the register of births maintained in this Office of the High Commissioner for the United Kingdom.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_ .  
 \_\_\_\_\_  
 Registration Officer

FORM G—SHORT CERTIFICATE OF BIRTH

Name and surname ...	
Sex ...	
Date of Birth ...	
Place of Birth ...	

I, \_\_\_\_\_, Registration Officer at \_\_\_\_\_, do hereby certify that the above particulars have been compiled from an entry in the register of births maintained in this Office of the High Commissioner for the United Kingdom.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Registration Officer

FORM H—FORM OF CERTIFIED COPY OF AN ENTRY IN THE REGISTER OF DEATHS

19 , DEATHS within the district of the

at

Columns	1	2	3	4	5	6	7	8	9
No.	When and where died	Name and surname	Sex	Age	Rank, profession or occupation and claim to citizenship of the United Kingdom and Colonies or British nationality	Residence at the time of death	Signature, description, and residence of informant	When registered	Signature of registration officer

I, \_\_\_\_\_, Registration Officer at \_\_\_\_\_, No. \_\_\_\_\_, do hereby certify that this is a true copy of the entry of death of \_\_\_\_\_, in the register of deaths maintained in this Office of the High Commissioner for the United Kingdom.

Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Registration Officer

## EXPLANATORY NOTE

*(This note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations provide for the keeping of registers by a member of the staff (registration officer) of the United Kingdom High Commissioner in each Commonwealth country in which the Secretary of State has so authorised for recording the births and deaths within that country of United Kingdom citizens and certain other specified classes of United Kingdom nationals. Provision is also made for a registration officer to issue certified copies of entries in such registers. In each case, certain fees are chargeable for the services provided.

The Regulations also provide for certain incidental matters such as the transmission of certified copies of recorded entries to the General Register Office in London, for the re-registration of the birth of a legitimated person and for additions and corrections to be made in certain cases to previously recorded entries.

## 1964 No. 1969 (S. 123)

## POLICE

## The Police (Scotland) Amendment (No. 4) Regulations 1964

<i>Made</i> - - - -	10th December 1964
<i>Laid before Parliament</i>	16th December 1964
<i>Coming into Operation</i>	23rd December 1964

In exercise of the powers conferred on me by section 11 of the Police (Scotland) Act 1956 (a) section 1 of the Police, Fire and Probation Officers Remuneration Act 1956 (b) and of all other powers enabling me in that behalf, and no representations having been made to me in pursuance of section 11(6) of the said Act, I hereby make the following Regulations :—

## PART I

1.—(1) These Regulations may be cited as the Police (Scotland) Amendment (No. 4) Regulations 1964 and shall come into operation on 23rd December 1964.

(2) Regulations 3, 5, 6, 7 and 8 shall take effect as from 1st September 1964.

(3) Regulation 4 shall take effect as from 1st December 1964.

2. The Police (Scotland) Regulations 1956(c) (hereinafter referred to as the principal Regulations), as amended(d), shall have effect subject to the amendments specified in Part II of these Regulations.

## PART II

3. For Regulation 33(1) of the principal Regulations (which relates to pay) there shall be substituted the following :—

“ (1) The rate of pay of a member of a police force holding—

(a) the rank of chief inspector, inspector, sergeant or constable shall be in accordance with the scale of pay for his or her rank set out in Part I or Part II of Schedule 2 hereto, as the case may be ;

(b) any other rank shall be in accordance with such scale of pay as shall be determined by the Secretary of State.

(1A) On and after 1st December 1964 the rate of pay of a member of a police force holding the rank of constable who has attained the age of 22 years and whose period of service in that rank, reckonable for the purposes of his or her scale of pay—

(a) begins on or after that date and after he or she has attained that age ; or

(b) includes 30th November 1964

shall be in accordance with whichever of the scales of pay set out in Parts I and III or Parts II and IV of Schedule 2 hereto, as the case may be, is, for the time being, the more favourable in his or her case.”

(a) 4 & 5 Eliz. 2. c. 26. (b) 5 & 6 Eliz. 2. c. 1. (c) S.I. 1956/1999 (1956 II, p. 1766).  
 (d) The relevant amending instruments are S.I. 1957/2039, 1962/2741, 1964/149 (1957 II, p. 1883; 1962 III, p. 3718; 1964 I, p. 274).



4. In Regulation 38(2)(b) of the principal Regulations (which relates to rent allowance) for the words "thirty-five years" there shall be substituted the words "thirty years".

5. In Regulation 44(1) of the principal Regulations (which relates to detective allowances) for the Table there shall be substituted the following—

TABLE

Rank	Rate	
	Men	Women
Chief Inspector ... ..	£152 a year	£136 a year
Inspector ... ..	£135 a year	£122 a year
Sergeant ... ..	£115 a year	£104 a year
Constable ... ..	£86 a year	£77 a year

6. In Regulation 44(3) of the principal Regulations (which relates to detective allowances) for the words "and paragraph (2) of this Regulation" there shall be substituted the words "paragraph 2 of this Regulation and Regulation 44A".

7. After Regulation 44 of the principal Regulations (which relates to detective allowances) there shall be inserted the following regulation:—

*"Supplementary Detective Allowances"*

44A.—(1) A member of a police force to whom a detective duty allowance is payable in respect of any period falling within the quarter beginning with 1st September 1964 or any subsequent quarter shall be paid a supplementary detective allowance, at the rate set out in the following table opposite to the rank that he or she holds, if the average qualifying overtime referred to in the next following paragraph, performed during the preceding quarter, is 8 hours a week or more:—

TABLE

Rank	Rate	
	Men	Women
Chief Inspector ... ..	£125 a year	£110 a year
Inspector ... ..	£110 a year	£100 a year
Sergeant ... ..	£95 a year	£85 a year
Constable ... ..	£70 a year	£65 a year

(2) The qualifying overtime referred to in the preceding paragraph is, in the case of a constable, sergeant or inspector, overtime (within the meaning of, and computed in accordance with, Regulation 26 of these Regulations) in respect of which an allowance is not payable under paragraph (3C) of that Regulation, performed by members of the force of the rank of constable, sergeant or, as the case may be, inspector to whom a detective duty allowance is payable in respect of the period during which

the overtime is performed; and the weekly average of such qualifying overtime shall be determined for the purposes of the preceding paragraph by reference to the average overtime performed each day by such members on duty that day.

(3) Paragraph (1) of this Regulation shall have effect—

(a) as respects the quarter beginning with 1st September 1964, as if any reference therein to the preceding quarter were a reference to the period of four weeks beginning with that date;

(b) as respects the quarter in which a new police force is established, as if, in relation to a member of that police force, any reference therein to the preceding quarter were a reference to the quarter in which the force is established.

(4) This Regulation shall have effect, where a member of a police force is assigned to duty with a regional crime squad or other body established in pursuance of a collaboration agreement made under section 16A of the Police (Scotland) Act 1956, as if so long as he is assigned to such duty he were not a member of the police force in question, but in such case this Regulation shall apply as if a reference therein to a police force or member thereof were a reference to the regional crime squad or other body in question or a member assigned to duties therewith.

(5) In this Regulation the expression “quarter” means a period of 13 weeks.

(6) This Regulation shall cease to have effect on the expiration of the month of December 1966.”

8. For Schedule 2 to the principal Regulations (which prescribes scales of pay) there shall be substituted the following Schedule :—

## SCHEDULE 2

Regulation 33

### PART I

#### *General scales of pay for men on and after 1st September 1964*

	Chief Inspector	Inspector	Sergeant	Constable
	a year	a year	a year	a year
On appointment or on promotion as the case may be	£1,540	£1,375	£1,170	£700
After 1 year of service in the rank	£1,590	£1,420	£1,210	£730
After 2 years of service in the rank	£1,645	£1,470	£1,255	£800
After 3 years of service in the rank				£830
After 4 years of service in the rank				£865
After 5 years of service in the rank				£900
After 6 years of service in the rank				£935
After 7 years of service in the rank				£970
After 8 years of service in the rank				£1,005
After 9 years of service in the rank				£1,040

In addition a constable shall be paid a supplementary payment of £30 a year on the completion of 17 years' service and a second supplementary payment of £35 a year on the completion of 22 years' service; and Regulation 33(2) of these Regulations shall apply for the purpose of calculating such service as aforesaid.

## PART II

*General scales of pay for women on and after 1st September 1964*

	Chief Inspector	Inspector	Sergeant	Constable
	a year	a year	a year	a year
On appointment or on promotion as the case may be	£1,385	£1,240	£1,055	£630
After 1 year of service in the rank	£1,430	£1,280	£1,090	£655
After 2 years of service in the rank	£1,480	£1,325	£1,130	£720
After 3 years of service in the rank				£745
After 4 years of service in the rank				£780
After 5 years of service in the rank				£810
After 6 years of service in the rank				£840
After 7 years of service in the rank				£875
After 8 years of service in the rank				£905
After 9 years of service in the rank				£935

In addition a constable shall be paid a supplementary payment of £30 a year on the completion of 17 years' service and a second supplementary payment of £30 a year on the completion of 22 years' service; and Regulation 33(2) of these Regulations shall apply for the purpose of calculating such service as aforesaid.

## PART III

*Special scale of pay for certain men holding rank of constable on and after 1st December 1964*

On appointment as constable ...	£800 a year
After 1 year of service in that rank	£800 a year
After 2 years of service in that rank	£830 a year

## PART IV

*Special scale of pay for certain women holding rank of constable on and after 1st December 1964*

On appointment as constable ...	£720 a year
After 1 year of service in that rank	£720 a year
After 2 years of service in that rank	£745 a year

*William Ross,*

One of Her Majesty's Principal  
Secretaries of State

St. Andrew's House,  
Edinburgh, 1.  
10th December 1964.

**EXPLANATORY NOTE**

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations amend the Police (Scotland) Regulations 1956.

Regulations 3 and 8 provide for increased scales of pay for inspectors, sergeants and constables including a special scale of pay for constables appointed, after 30th November 1964, at the age of 22 years or over (the special scale also applies to constables serving on that date if or when they have attained that age).

An unmarried member of a police force has hitherto been entitled to a maximum limit allowance for rent if, among other conditions, he or she is 35 years of age. Regulation 4 reduces the age limit to 30 years.

Regulations 5, 6 and 7 provide for increased rates of detective duty allowance (payable to inspectors, sergeants and constables on outside detective duties) and for payment of a supplementary detective allowance where the prescribed average overtime duty performed is 8 hours a week or more.

1964 No. 1970

**CARIBBEAN AND NORTH ATLANTIC  
TERRITORIES**

**The British Guiana (Constitution) (No. 2) Order 1964**

*Made - - - - 14th December 1964*

At the Court at Buckingham Palace, the 14th day of December 1964

**Present,**

**The Queen's Most Excellent Majesty in Council**

Her Majesty, by virtue and in exercise of the power reserved to Her in pursuance of the British Guiana Act 1928(a) by section 22 of the British Guiana (Constitution) Order in Council 1961(b) (hereinafter called "the principal Order") is pleased, by and with the advice of Her Privy Council to order, and it is hereby ordered, as follows:—

**Citation and construction.** 1.—(1) This Order may be cited as the British Guiana (Constitution) (No. 2) Order 1964.

(2) This Order shall be construed as one with the British Guiana (Constitution) Orders 1961 and 1964(c) and this Order and those Orders may be cited together as the British Guiana (Constitution) Orders 1961 to 1964.

**Amendment of Constitution of British Guiana.** 2. The provisions of the Constitution set out in the Annex to the principal Order which are specified in the first column of the Schedule to this Order are amended in the manner specified in the second column of the Schedule.

**Transitional provision.** 3. If at any time before the House of Assembly first meets after the commencement of this Order, the Governor informs the person holding office as Premier that the Governor is about to re-appoint him as Premier or to appoint another person as Premier, then the provisions of section 3(2) of the British Guiana (Constitution) Order 1964(d) shall cease to have effect and all persons then holding office as Ministers or Parliamentary Secretaries shall forthwith vacate their respective offices.

*W. G. Agnew.*

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(a) 18 & 19 Geo. 5. c. 5.                      (b) S.I. 1961/1188 (1961 II, p. 2152).  
 (c) S.I. 1961/1188, 1964/921 (1961 II, p. 2152; 1964 II, p. 2050).  
 (d) S.I. 1964/921 (1964 II, p. 2050).

## SCHEDULE

## Section 2

Provision	How amended
Article 14(1)(c) ... ..	<p>Substitute the following:—</p> <p>“(c) there is in force a resolution of the House of Assembly, in favour of which there were cast the votes of not fewer than thirty-six members, declaring that democratic institutions in British Guiana are threatened by subversion ;”.</p>
Article 14(3)(a) ... ..	<p>Substitute the following:—</p> <p>“(a) Where any proclamation of emergency has been made, copies thereof shall as soon as practicable be laid before the House of Assembly and if by reason of adjournment or prorogation the House is not due to meet within five days the Governor shall, by proclamation published in the Gazette, summon the House to meet within five days and the House shall accordingly meet and sit upon the day appointed by the proclamation and shall continue to sit and act as if it had stood adjourned or prorogued to that day.”.</p>
Article 14(3)(c) ... ..	<p>Substitute “the House of Assembly” for “each chamber of the Legislature”.</p>
Article 14(4) ... ..	<p>Substitute “the House of Assembly” for “the chamber by which it was passed”; substitute “the House” for “that chamber”.</p>
Article 29(1) ... ..	<p>Substitute “the House of Assembly” for “the Legislative Assembly”.</p>
Article 30 ... ..	<p>Substitute “the House of Assembly” for “the Legislative Assembly” in paragraph (1).</p> <p>Insert the following paragraph immediately after paragraph (1):—</p> <p>“(1A) The Premier shall vacate his office when, following upon any election to the House of Assembly, he is informed by the Governor that the Governor is about to re-appoint him as Premier or to appoint another person as Premier.”</p>
Article 33(3) ... ..	<p>Substitute “the House of Assembly” for “any chamber of the Legislature”.</p>

Provision	How amended
Article 113(1) ... ..	Substitute "the office of the Clerk of the House of Assembly" for "the offices of the Clerk of the Senate and the Clerk of the Legislative Assembly".
Article 115(6) as set out in Schedule 2 to the British Guiana (Constitution) Order 1964 ... ..	Substitute "paragraph (4)" for "paragraph (2)".

### EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order amends the Constitution of British Guiana by substituting references to the House of Assembly established by the British Guiana (Constitution) Order 1964 for certain references to the former bicameral legislature, or a chamber thereof, constituted by the principal Order of 1961. It also amends the provisions of the Constitution relating to the tenure of office of Ministers.

1964 No. 1971

**NURSES AND MIDWIVES**

**The General Nursing Council (Election Scheme) Rules,  
Approval Instrument 1964**

*Made* - - - - 11th December 1964  
*Laid before Parliament* 15th December 1964  
*Coming into Operation* 16th December 1964

Whereas the General Nursing Council for England and Wales have, in exercise of the powers conferred on them by sections 1 and 30 of, and Schedule 1 to, the Nurses Act 1957(a) as amended by section 14 of, and Part II of Schedule 1 to, the Nurses (Amendment) Act 1961(b), made rules prescribing the scheme of election of members of the Council who are required by the said Schedule 1 to be elected and have submitted the said rules to the Minister of Health for his approval:

Now, therefore, the Minister of Health, in exercise of the powers conferred on him by section 32 of the Nurses Act 1957 and of all other powers enabling him in that behalf, hereby approves the said rules in the form set out in the Schedule hereto.

This instrument may be cited as the General Nursing Council (Election Scheme) Rules, Approval Instrument 1964 and shall come into operation on 16th December 1964.

**SCHEDULE**

**THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES**

*The Nurses Acts 1957 and 1961*

The General Nursing Council for England and Wales in exercise of the powers conferred on them by sections 1 and 30 of, and Schedule 1 to, the Nurses Act 1957 as amended by section 14 of, and Part II of Schedule 1 to, the Nurses (Amendment) Act 1961 hereby make the following Rules:—

1. These Rules may be cited as the General Nursing Council (Election Scheme) Rules 1964.
2. The Interpretation Act 1889(c) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.
3. The General Nursing Council (Election Scheme) Rules 1954(d) are hereby revoked:

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(a) 5 & 6 Eliz. 2. c. 15. (b) 9 & 10 Eliz. 2. c. 14.  
 (c) 52 & 53 Vict. c. 63. (d) Scheduled to S.I. 1954/1417 (1954 I, p. 1465).



Provided that such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those Rules.

4. The members of the General Nursing Council for England and Wales, who are required by the provisions of Schedule 1 to the Nurses Act 1957 as amended by sections 4 and 14 of, and Part II of Schedule 1 to, the Nurses (Amendment) Act 1961 to be elected, shall be elected in accordance with the Scheme set out in the Schedule to these Rules.

## SCHEDULE TO THE RULES

### GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

#### SCHEME MADE UNDER PARAGRAPH 4 OF SCHEDULE 1 TO THE NURSES ACT 1957 AS AMENDED BY THE NURSES (AMENDMENT) ACT 1961 FOR THE ELECTION OF 18 PERSONS TO BE MEMBERS OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

##### *Interpretation*

1.—(1) Unless the context otherwise requires expressions used in this Scheme have the same meanings as in the Nurses Rules 1961(a).

(2) The expression "area" means one of the 15 areas into which England and Wales is divided for the purposes of the election, as determined by the Minister of Health under paragraph 2(2) of Schedule 1 to the Nurses Act 1957 as amended by section 4(1) of the Nurses (Amendment) Act 1961.

##### *Returning Officer*

2.—(1) The Council shall at least 6 months before the date on which their elected members cease to hold office appoint a person, not being a member of the Council, or of any Committee thereof, to be the Returning Officer for the ensuing election.

(2) The Returning Officer shall appoint a Deputy Returning Officer, not being a member of the Council, or of any Committee thereof, to act for him in the event of his absence or inability to act, and the expression "Returning Officer" in this Scheme includes the Deputy Returning Officer so acting.

(3) The Returning Officer shall have power, subject to the approval of the Council, to employ and pay out of the monies received from the Council the staff necessary for the conduct of the election.

(4) Subject to the provisions of this Scheme, the Returning Officer shall be responsible for the conduct of the election.

##### *Qualifications of Candidates and Electors*

3.—(1) The numbers and qualifications of the several classes of persons to be elected are specified in the 1st and 2nd columns of the following table, and the qualifications of the persons entitled to nominate and to take part in the election of candidates of each of those classes are specified in the 3rd column of the table.

(a) Scheduled to S.I. 1961/1520 (1961 II, p. 3127).

TABLE

## QUALIFICATIONS OF CANDIDATES AND ELECTORS

Number of persons to be elected	Qualifications of persons to be elected	Qualifications of persons entitled to nominate and take part in election
<p>15 (one from each of the 15 areas determined by the Minister being the Regional Hospital Areas* for the purposes of the National Health Service Act 1946(a)), viz.:—</p> <ol style="list-style-type: none"> <li>1. Newcastle</li> <li>2. Leeds</li> <li>3. Sheffield</li> <li>4. East Anglian</li> <li>5. North West Metropolitan</li> <li>6. North East Metropolitan</li> <li>7. South East Metropolitan</li> <li>8. South West Metropolitan</li> <li>9. Oxford</li> <li>10. South Western</li> <li>11. Welsh</li> <li>12. Birmingham</li> <li>13. Manchester</li> <li>14. Liverpool</li> <li>15. Wessex</li> </ol>	<p>Registered general nurses (i.e. nurses registered in the general part of the Register), who on the date fixed for the purpose of the election as the last date for the receipt of nomination papers are engaged in the area for which they are candidates for election in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed.</p>	<p>Registered general nurses (i.e. nurses registered in the general part of the Register), and registered fever nurses.</p>
<p>1  1</p>	<p>Registered mental nurse, being a man Registered mental nurse, being a woman</p>	<p>} Registered mental nurses.</p>
<p>1</p>	<p>Registered sick children's nurse</p>	<p>Registered sick children's nurses.</p>

(2) In order to be eligible for election under this Scheme or to be entitled to nominate for and take part in the election, a person must have the requisite qualifications on the date fixed by the Returning Officer under paragraph 4 of this Scheme as the last day on which nomination papers are to be received.

\* See the National Health Service (Determination of Regional Hospital Areas) Order 1946 (S.R. & O. 1946/2158 (Rev. XV, p. 515: 1946 I, p. 1056) as amended (S.I. 1955/401, 1956/1484, 1958/2093, 1963/1125 (1955 I, p. 1262; 1956 I, p. 1511; 1958 II, p. 1540; 1963 II, p. 1912)).

(a) 9 & 10 Geo. 6. c. 81.

*Publication of Notice of Election*

4. The Returning Officer shall fix the last day on which nomination papers are to be received, and at least 28 clear days before the day so fixed shall cause a notice of the election to be published, specifying the number and description of persons to be elected, the place to which the nomination papers are to be sent, and the last day on which they are to be received. The notice shall be published in 2 or more newspapers circulating in England and Wales, Scotland and Northern Ireland, and shall be, as nearly as may be, in the form marked A in the Appendix to this Scheme.

*Nomination*

5.—(1) Each candidate for election shall be nominated on a separate nomination paper signed by not fewer than 6 persons having the requisite qualifications for nominating the candidate. No person may nominate more than the number of persons to be elected.

(2) Each nomination paper shall contain the name, address and registered qualification or qualifications, and other requisite qualifications if any, of the person nominated, and also the addresses and registered qualifications of each person signing such paper, and shall be, as nearly as may be, in the appropriate form marked B(i) or B(ii) in the Appendix to this Scheme.

(3) Every nomination paper shall, before 12 noon on the last day fixed for the receipt of nomination papers, be delivered by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and shall be accompanied by a declaration in writing, signed by the person nominated, in the form marked C in the Appendix to this Scheme or to the like effect, acknowledging that such person consents to be nominated. Every nomination paper in respect of which any requirement of this Scheme has not been complied with, or which is not received by the Returning Officer before 12 noon on the last day fixed for the receipt of nomination papers, shall be invalid. Provided that no misnomer or inaccurate or incomplete description of any person or place named in any nomination paper shall invalidate that paper if, in the opinion of the Returning Officer, the description of the person or place is such as to be commonly understood.

(4) As soon as possible after the time fixed for the receipt of nomination papers has expired, the Returning Officer shall publish at the offices of the Council a list of the duly nominated candidates and on the same day shall send a copy of this list by registered post to each of them. Before 12 noon on the 7th day from the date of publication of the list, a candidate may withdraw from the poll by delivering by post or otherwise to the Returning Officer a written notice of withdrawal and on receipt thereof the Returning Officer shall expunge the name of such candidate from the list. No notice of withdrawal received after 12 noon on the 7th day shall be valid.

*Conduct of Election*

6. The election of the 15 registered general nurses shall be conducted in the following manner.

(1) If the number of duly nominated candidates in respect of any one area does not exceed 1, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If the number of duly nominated candidates in respect of any one area exceeds 1, the Returning Officer shall cause ballot papers and identification envelopes to be prepared. Ballot papers shall contain the names, addresses and registered qualification or qualifications of all the persons who have been nominated and whose names have not been expunged from the list and shall state the last day on which ballot papers may be received, and the place to which they are to be returned. The identification envelope shall bear a declaration of identity.

Ballot papers and identification envelopes shall be, as nearly as may be, in the forms marked D and E in the Appendix to this Scheme.

(3) The Returning Officer shall, 21 clear days at least before the last day fixed for the receipt of ballot papers, cause a ballot paper to be forwarded by post to each person qualified to vote in the election at her registered address, together with an identification envelope. Each elector shall be entitled to receive 1 ballot paper and 1 identification envelope, and no more, and votes shall not be given except upon the ballot papers provided by the Returning Officer.

(4) Each elector shall mark the ballot paper delivered to her with a X against the name or names of the person or persons (not exceeding the number of persons to be elected), for whom she votes, and shall place her ballot paper in the identification envelope, and securely fasten the same. The elector shall sign the declaration printed on the said envelope, place it inside a covering envelope, and send it by post or otherwise to the Returning Officer at the above-named address. Every ballot paper in respect of which any requirement of this Scheme has not been complied with, or on which the elector has placed any mark whereby she may be afterwards identified, or which is not received by the Returning Officer before 12 noon on the last day fixed for the receipt of ballot papers, shall be invalid.

(5) The Returning Officer, immediately after the last day fixed for the receipt of ballot papers, shall cause the validity of the votes to be ascertained by an examination of the identification envelopes and by such other evidence, if any, as he may think necessary, and shall cause such of the identification envelopes as are found to be valid to be opened, and the ballot papers withdrawn, and placed in a ballot box. When all the ballot papers have been transferred to the ballot box they shall be examined and counted, and the number of valid votes given for each candidate shall be ascertained. Any candidate, or agent appointed by her in writing to represent her, may be present during the examination of the identification envelopes and the counting of the ballot papers and accordingly the Returning Officer shall notify each candidate at the time and place of the examination and counting.

(6) In each of the 15 areas, the candidate having the greatest number of votes shall be declared elected for that area by the Returning Officer. If an equality of votes is found to exist between any of the candidates in any one of the areas and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

7. The foregoing provisions with regard to the conduct of the election of registered general nurses shall apply with the necessary modifications to the election of registered mental nurses and registered sick children's nurses.

#### *Powers of Returning Officer*

8. Any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with any election held under this Scheme, shall be determined by the Returning Officer.

*Notice of Result of Election*

9. The Returning Officer shall forthwith give to every candidate whose name has not been expunged from the list written notice of the result of the election, and shall furnish the Council with a list of the persons certified by him to have been duly elected, showing the number of votes cast for each of such persons.

*Secrecy of Ballot*

10. The Returning Officer, and every officer, clerk, or servant employed in connection with the election shall maintain, and aid in maintaining the secrecy of the ballot, and shall not communicate to any person any information as to the manner in which any elector has recorded her vote.

*Validity of Election*

11.—(1) Any candidate unsuccessful at the poll may either personally or by her agent appointed in writing notify the Returning Officer within 14 days after the declaration of the result of the election that she contests the validity of that part of the election in respect of which she was unsuccessful on the ground of non-compliance with the provisions of this Scheme, or of any misdescription or miscount, or of the non-delivery, loss or miscarriage of any document.

(2) If after consideration of the contention disclosed in the notice, the Returning Officer is satisfied in respect of that part that the election was conducted substantially in accordance with the provisions of this Scheme and that any non-compliance, misdescription, miscount, non-delivery, loss or miscarriage did not affect the result of that part of the election, he may, within 14 days of receiving such notice, so certify. In that event he shall forward a copy of his certificate to the unsuccessful candidate, who may within 7 days of receiving such copy, appeal to the Minister of Health.

(3) Where the Returning Officer does not so certify, he shall not later than the 15th day after receiving the notice forward a copy thereof to the Minister of Health together with such comments as he shall think fit.

(4) The Minister shall consider any appeal made under sub-paragraph (2) or any notice received under sub-paragraph (3) hereof and his decision as to whether the result of the relevant part of the election was affected by any non-compliance, misdescription, miscount, non-delivery, loss or miscarriage, shall be final. In the event of the Minister deciding that the result of the relevant part of the election was so affected, a fresh election in respect of the seat in that part of the election shall take place.

## APPENDIX

FORM A (*Notice of election*)*Nurses Acts 1957 and 1961*

Notice is hereby given that pursuant to the *Nurses Acts 1957 and 1961* an election of 18 members of the General Nursing Council for England and Wales, to represent the nurses registered upon the Register of that Council, is about to be held.

The following table shows the numbers and qualifications of the persons to be elected, and the qualifications of the persons entitled to nominate and take part in the election of each class of candidate.

**TABLE**  
**QUALIFICATIONS OF CANDIDATES AND ELECTORS**

Number of persons to be elected	Qualifications of persons to be elected	Qualifications of persons entitled to nominate and take part in election
<p style="text-align: center;">15</p> <p>(one from each of the 15 areas determined by the Minister being the Regional Hospital Areas * for the purposes of the National Health Service Act 1946(a)), viz. :—</p> <ol style="list-style-type: none"> <li>1. Newcastle</li> <li>2. Leeds</li> <li>3. Sheffield</li> <li>4. East Anglian</li> <li>5. North West Metropolitan</li> <li>6. North East Metropolitan</li> <li>7. South East Metropolitan</li> <li>8. South West Metropolitan</li> <li>9. Oxford</li> <li>10. South Western</li> <li>11. Welsh</li> <li>12. Birmingham</li> <li>13. Manchester</li> <li>14. Liverpool</li> <li>15. Wessex</li> </ol>	<p>Registered general nurses (i.e. nurses registered in the general part of the Register), who on the date fixed for the purpose of the election as the last date for the receipt of nomination papers are engaged in the area for which they are candidates for election in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed.</p>	<p>Registered general nurses (i.e. nurses registered in the general part of the Register), and registered fever nurses.</p>
<p>1</p> <p>1</p>	<p>Registered mental nurse, being a man</p> <p>Registered mental nurse, being a woman</p>	<p>} Registered mental nurses.</p>
<p>1</p>	<p>Registered sick children's nurse</p>	<p>Registered sick children's nurses.</p>

\* See the National Health Service (Determination of Regional Hospital Areas) Order 1946 (S.R. & O. 1946/2158 (Rev. XV, p. 515: 1946 I, p. 1056) as amended (S.I. 1955/401, 1956/1484, 1958/2093, 1963/1125 (1955 I, p. 1262; 1956 I, p. 1511; 1958 II, p. 1540; 1963 II, p. 1912)).

(a) 9 & 10 Geo. 6. c. 81.

In order to be eligible for election under this Scheme or to be entitled to nominate for and take part in the election, a person must have the requisite qualifications on 19<sup>†</sup> and no person may nominate in any part of the election more than the number of persons to be elected in that part. Each candidate must be nominated on a separate nomination paper.

† This will be the date fixed by the Returning Officer as the last day for the receipt of nomination papers.

Every nomination paper must contain the name, address and registered qualification or qualifications, and other requisite qualifications if any, of the candidates nominated; it must be signed by not fewer than 6 persons having the requisite qualifications for nominating the candidate; and the address and registered qualification or qualifications of each one so signing must be appended to her signature.

The nomination paper must be accompanied by a declaration in writing, signed by the person nominated, acknowledging that she consents to be nominated, and must be delivered by post or otherwise, before the hour of 12 noon on 19<sup>th</sup>, addressed to the Returning Officer, The General Nursing Council for England and Wales, P.O. Box 803, 23 Portland Place, London, W.1. Forms of nomination papers may, on application by post or otherwise, be obtained from the Returning Officer at the above address; in making such application it should be clearly stated for what part of the election the nomination form or forms are required: i.e. for nurses registered in the general part of the Register, for registered mental nurses, or for registered sick children's nurses.

Every nomination paper which is not received at the address given above before the hour of 12 noon on 19<sup>th</sup> will be invalid.

Returning Officer.

(Date)

#### FORM B

FORM B (i) (*Form of nomination paper for nurses registered in the general part of the Register*)

We, the undersigned, being nurses registered in the general part of the Register for England and Wales, or in the part of the Register for fever nurses hereby nominate

of  
who is registered in the general part of the Register and whose registration number is

and who is employed at

where he or she is engaged in (a) nursing  
or (b) work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed, that is to say

in the area in respect of which he or she is nominated, i.e. area  
as a proper person to be elected to the General Nursing Council for England and Wales by the nurses registered in the general part of the Register, and in the part of the Register for fever nurses.

We declare that we have signed no other nomination paper in respect of this area.

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† This will be the date fixed by the Returning Officer as the last day for the receipt of nomination papers.

Signatures of Nominators	Address	Registered Qualification and Number

(Date)

- (<sup>1</sup>) Here insert full name, including Christian names, of candidate.  
 (<sup>2</sup>) Here insert candidate's address.  
 (<sup>3</sup>) Here insert candidate's registration number.  
 (<sup>4</sup>) Here insert candidate's place of employment, and its postal address.  
 (<sup>5</sup>) Here insert candidate's present post.  
 (<sup>6</sup>) If the candidate is not actually employed in nursing, then state briefly the nature of the work in which he or she is engaged.  
 (<sup>7</sup>) Here insert description of area as determined for election purposes.

N.B.—Only a nurse registered in the general part of the Register may be nominated as a candidate, but a nurse registered in the general part of the Register or in the part of the Register for fever nurses may sign the nomination paper as a nominator.

FORM B (ii) (*Form of nomination paper for registered mental nurses and registered sick children's nurses*)

We, the undersigned, being nurses registered in the (<sup>1</sup>) \_\_\_\_\_ for England and Wales hereby nominate (<sup>2</sup>) \_\_\_\_\_ of (<sup>3</sup>) \_\_\_\_\_ who is registered in the (<sup>1</sup>) \_\_\_\_\_ and whose registration number is (<sup>4</sup>) \_\_\_\_\_ as a proper person to be elected to the General Nursing Council for England and Wales by the nurses registered in the (<sup>1</sup>) \_\_\_\_\_

Signatures of Nominators	Address	Registered Qualification and Number



(Date)

- (1) Here insert the words "part of the Register for mental nurses", or "part of the Register for sick children's nurses", as the case may be.
- (2) Here insert full name, including Christian names, of candidate.
- (3) Here insert candidate's address.
- (4) Here insert candidate's registration number.

N.B.—A nurse cannot nominate a candidate for election by the nurses registered in a particular part of the Register unless she is herself registered in that particular part.

FORM C (*Form of declaration to be issued with the nomination papers for return by the candidate nominated*)

ELECTION OF DIRECT REPRESENTATIVES TO THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

(Date)

I consent to be nominated as a candidate for election as a representative of the nurses registered in the (1) to serve on the General Nursing Council for England and Wales. I declare that the statements in the nomination paper with regard to my qualifications are correct.

Name  
Address  
Registration Number

(1) Here insert "general part of the Register and the part of the Register for fever nurses", or "part of the Register for mental nurses", or "part of the Register for sick children's nurses", as the case may be.

FORM D

*Election to the General Nursing Council for England and Wales by nurses registered in the general part of the Register and in the part of the Register for fever nurses.*

BALLOT PAPER I  
Election of 15 registered general nurses

Area	Elector's Mark X	Name of Candidate Nominated	Present post and address of Candidate Nominated	Registered Qualification and Number

N.B.—Nurses registered in the general part of the Register, or in the part of the Register for fever nurses are entitled to vote for candidates in this ballot paper. The elector must put a mark thus, X, against the name or names of the candidate for whom he or she votes. The elector must not vote for more than one candidate in respect of each area.

The elector may vote for fewer candidates than are to be elected.

If the elector places any mark on this ballot paper by which he or she may be afterwards identified, the whole ballot paper will be null and void and will not be counted.

This paper must be placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened and placed in a covering envelope, which must then be sent by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and must be received there before the hour of 12 noon on , 19 .

*Election to the General Nursing Council for England and Wales by nurses registered in the part of the Register for mental nurses.*

#### BALLOT PAPER II

Election of one male and one female nurse registered in the part of the Register for mental nurses.

	Elector's Mark X	Name of Candidate Nominated	Address	Registered Qualification and Number
Part I Female nurses				
Part II Male nurses				

N.B.—The registered mental nurse voting must put a mark thus, **X**, against the name or names of the candidate or candidates for whom he or she votes.

Two only of the above-named candidates are to be elected ; one of these must be a female mental nurse, and the other a male mental nurse, and the elections will be determined accordingly.

The elector must not vote for more than 1 female mental nurse, or more than 1 male mental nurse. If the elector places any mark on this ballot paper by which he or she may be afterwards identified, the whole ballot paper will be null and void and will not be counted.

This paper must be placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened and placed in a covering envelope, which must then be sent by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and must be received there before the hour of 12 noon on , 19 .

*Election to the General Nursing Council for England and Wales by nurses registered in the part of the Register for sick children's nurses.*

BALLOT PAPER III

Election of 1 nurse registered in the part of the Register for sick children's nurses.

Elector's Mark X	Name of Candidate Nominated	Address	Registered Qualification and Number

N.B.—The registered sick children's nurse voting must put a mark thus, X, against the name of the candidate for whom she votes.

One only of the above-named candidates is to be elected. If the elector votes for more than 1 candidate or places any mark on this ballot paper by which she may be afterwards identified, the ballot paper will be null and void and will not be counted.

This paper must be placed in the identification envelope, which must be signed by the elector in the place marked for that purpose, securely fastened and placed in a covering envelope, which must then be sent by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and must be received there before the hour of 12 noon on \_\_\_\_\_, 19 .

FORM E (*Form of identification envelope*)

(Identification Envelope)

To

I, the undersigned, hereby declare that I am the person to whom the enclosed ballot paper is addressed as above, that I am a nurse registered in the \_\_\_\_\_ part of the Register and that I have not marked any other ballot paper in this part of the election.

(Signature)

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**C. A. Smaldon,**  
Chairman of the Council.

The Seal of the General Nursing Council for England and Wales was hereunto affixed on 9th December 1964.

(L.S.)

**M. Henry,**  
Registrar.

Given under the official seal of the Minister of Health on 11th December 1964.

(L.S.)

**Kenneth Robinson,**  
Minister of Health.

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### EXPLANATORY NOTE

*(This Note is not part of the Instrument, but is intended to indicate its general purport.)*

The rules approved by this Instrument replace by a new Scheme the Scheme for the election of the members of the General Nursing Council who are required to be elected by virtue of the provisions of Schedule 1 to the Nurses Act 1957. The minor changes made are those required as a result of the Nurses (Amendment) Act 1961.

The system, in accordance with which the election of the fifteen nurses referred to in paragraph 2(1)(a) of Schedule 1 to the Nurses Act 1957 as amended is to be conducted, continues to be that provided for in paragraph 4(a) of that Schedule, i.e. the assignment to each of the electors of one vote in respect of each of the fifteen areas into which England and Wales is divided by paragraph 2(2) of that Schedule.

**1964 No. 1972**
**NURSES AND MIDWIVES**
**The Mental Nurses Committee (Election Scheme) Rules,  
Approval Instrument 1964**

<i>Made</i> - - - -	11th December 1964
<i>Laid before Parliament</i>	15th December 1964
<i>Coming into Operation</i>	16th December 1964

Whereas the General Nursing Council for England and Wales have, in exercise of the powers conferred on them by sections 18 and 30 of, and Schedule 3 to, the Nurses Act 1957(a) as amended by section 14 of, and Part II of Schedule 1 to the Nurses (Amendment) Act 1961(b), made rules prescribing the scheme of election of the two members of the Mental Nurses Committee of the Council, who are required by the said Schedule 3 to be elected, and have submitted the said rules to the Minister of Health for his approval :

Now, therefore, the Minister of Health, in exercise of the powers conferred on him by section 32 of the Nurses Act 1957, and of all other powers enabling him in that behalf, hereby approves the said rules in the form set out in the Schedule hereto.

This instrument may be cited as the Mental Nurses Committee (Election Scheme) Rules, Approval Instrument 1964 and shall come into operation on 16th December 1964.

**SCHEDULE**
**THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES**
*The Nurses Acts 1957 and 1961*

The General Nursing Council for England and Wales in the exercise of the powers conferred on them by sections 18 and 30 of, and Schedule 3 to, the Nurses Act 1957 as amended by section 14 of and Part II of Schedule 1 to the Nurses (Amendment) Act 1961 hereby make the following Rules :—

1. These Rules may be cited as the Mental Nurses Committee (Election Scheme) Rules 1964.
2. The Interpretation Act 1889(c) applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.
3. The Mental Nurses Committee (Election Scheme) Rules 1955(d) are hereby revoked :

Provided that such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those Rules.

4. The two members of the Mental Nurses Committee of the Council, who are required by the provisions of Schedule 3 to the Nurses Act 1957 as amended by section 14 and Part II of Schedule 1 to the Nurses (Amendment) Act 1961 to be elected, shall be elected in accordance with the Scheme set out in the Schedule to these Rules.

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(a) 5 & 6 Eliz. 2. c. 15.  
(c) 52 & 53 Vict. c. 63.

(b) 9 & 10 Eliz. 2. c. 14.  
(d) Scheduled to S.I. 1955/402 (1955 II, p. 1686).

**SCHEDULE TO THE RULES****GENERAL NURSING COUNCIL FOR ENGLAND AND WALES**

**SCHEME MADE UNDER PARAGRAPH 2 OF SCHEDULE 3 TO THE NURSES ACT 1957 AS AMENDED BY THE NURSES (AMENDMENT) ACT 1961 FOR THE ELECTION OF TWO PERSONS TO BE MEMBERS OF THE MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES.**

*Interpretation*

1. Unless the context otherwise requires, expressions used in this Scheme have the same meanings as in the Nurses Rules 1961(a).

*Returning Officer*

2.—(1) The Council shall at least 6 months before the date on which the elected members of the Mental Nurses Committee cease to hold office appoint a person, not being a member of the Council, or of any Committee thereof, to be the Returning Officer for the ensuing election.

(2) The Returning Officer shall appoint a Deputy Returning Officer, not being a member of the Council, or of any Committee thereof, to act for him in the event of his absence or inability to act, and the expression "Returning Officer" in this Scheme includes the Deputy Returning Officer so acting.

(3) The Returning Officer shall have power, subject to the approval of the Council, to employ and pay out of the monies received from the Council the staff necessary for the conduct of the election.

(4) Subject to the provisions of this Scheme, the Returning Officer shall be responsible for the conduct of the election.

*Qualifications of Candidates and Electors*

3. In order to be eligible for election under this Scheme as one of the two elected persons of the Mental Nurses Committee, or to be entitled to nominate for, and take part in the election, a person must be a registered mental nurse on the date fixed by the Returning Officer under paragraph 4 of the Scheme as the last day on which nomination papers are to be received.

*Publication of Notice of Election*

4. The Returning Officer shall fix the last day on which nomination papers are to be received, and at least 28 clear days before the day so fixed shall cause a notice of the election to be published, specifying the number and description of persons to be elected, the place where the nomination papers are to be sent in, and the last day on which they are to be received. The notice shall be published in 2 or more newspapers circulating in England and Wales, Scotland and Northern Ireland, and shall be, as nearly as may be, in the form marked A in the Appendix to this Scheme.

*Nomination*

5.—(1) Each candidate for election shall be nominated on a separate nomination paper signed by not fewer than 6 persons having the requisite qualification for nominating the candidate. No person may nominate more than 2 candidates.

(2) Each nomination paper shall contain the name, address and registered qualification or qualifications of the person nominated, and also the address and registered qualification or qualifications of each person signing such paper, and shall be, as nearly as may be, in the form marked B in the Appendix to this Scheme.

(a) Scheduled to S.I. 1961/1520 (1961 II, p. 3127).

(3) Every nomination paper shall, before 12 noon on the last day fixed for the receipt of nomination papers, be delivered by post or otherwise to the Returning Officer, General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, and shall be accompanied by a declaration in writing, signed by the person nominated, in the form marked C in the Appendix to this Scheme or to the like effect, acknowledging that such person consents to be nominated.

Every nomination paper in respect of which any requirement of this Scheme has not been complied with, or which is not received by the Returning Officer before 12 noon on the last day fixed for the receipt of nomination papers, shall be invalid. Provided that no misnomer or inaccurate or incomplete description of any person or place named in any nomination paper shall invalidate that paper if, in the opinion of the Returning Officer, the description of the person or place is such as to be commonly understood.

(4) As soon as possible after the time fixed for the receipt of nomination papers has expired, the Returning Officer shall publish at the offices of the Council a list of the duly nominated candidates and on the same day shall send a copy of this list by registered post to each of them. Before 12 noon on the 7th day from the date of publication of the list, a candidate may withdraw from the poll by delivering by post or otherwise to the Returning Officer a written notice of withdrawal and on receipt thereof the Returning Officer shall expunge the name of such candidate from the list. No notice of withdrawal received after 12 noon on the 7th day shall be valid.

#### *Conduct of Election*

6. The election of the 2 registered mental nurses shall be conducted as follows :—

- (1) If the number of duly nominated candidates does not exceed 2, the Returning Officer shall forthwith declare such candidate or candidates to be elected.
- (2) If the number of duly nominated candidates exceeds 2, the Returning Officer shall cause ballot papers and identification envelopes to be prepared. Ballot papers shall contain the names, addresses and registered qualification or qualifications of all the persons who have been nominated, and whose names have not been expunged from the list, and shall state the last day on which ballot papers may be received, and the place to which they are to be returned. The identification envelope shall bear a declaration of identity.

Ballot papers and identification envelopes shall be, as nearly as may be, in the forms marked D and E in the Appendix to this Scheme.

- (3) The Returning Officer shall, 21 clear days at least before the last day fixed for the receipt of ballot papers, cause a ballot paper to be forwarded by post to each person qualified to vote in the election at her registered address, together with an identification envelope. Each elector shall be entitled to receive 1 ballot paper and 1 identification envelope, and no more, and votes shall not be given except upon the ballot papers provided by the Returning Officer.
- (4) Each elector shall mark the ballot paper delivered to her with a X against the name or names of the person or persons (not exceeding 2), for whom she votes, and shall place her ballot paper in the identification envelope, and securely fasten the same. The elector shall sign the declaration printed on the said envelope, place it inside a covering envelope, and send it by post or otherwise to the Returning Officer at the above-named address. Every ballot paper in respect of which any requirement of this Scheme has not been complied with, or on which the elector has placed any mark whereby she may be afterwards identified, or which is not received by the Returning Officer before 12 noon on the last day fixed for the receipt of ballot papers, shall be invalid.

- (5) The Returning Officer immediately after the last day fixed for the receipt of ballot papers shall cause the validity of the votes to be ascertained by an examination of the identification envelopes and by such other evidence, if any, as he may think necessary, and shall cause such of the identification envelopes as are found to be valid to be opened, and the ballot papers withdrawn, and placed in a ballot box. When all the ballot papers have been transferred to the ballot box they shall be examined and counted, and the number of valid votes given for each candidate shall be ascertained. Any candidate, or agent appointed by her in writing to represent her, may be present during the examination of the identification envelopes and the counting of the ballot papers, and accordingly the Returning Officer shall notify such candidate of the time and place of the examination and counting.
- (6) The 2 candidates having the greatest number of votes shall be declared elected by the Returning Officer. If an equality of votes is found to exist between 2 or more candidates and the addition of a vote would entitle any of such candidates to be declared elected, the Returning Officer shall determine by lot which of the candidates whose votes are equal shall be declared elected.

*Powers of Returning Officer*

7. Any question arising with regard to the validity of a nomination or ballot paper, or otherwise in connection with any election held under this Scheme, shall be determined by the Returning Officer.

*Notice of Result of Election*

8. The Returning Officer shall forthwith give to every candidate whose name has not been expunged from the list written notice of the result of the election, and shall furnish the Council with a list of the persons certified by him to have been duly elected, showing the number of votes cast for each of such persons.

*Secrecy of Ballot*

9. The Returning Officer, and every officer, clerk, or servant employed in connection with the election shall maintain, and aid in maintaining, the secrecy of the ballot, and shall not communicate to any person any information as to the manner in which any elector has recorded her vote.

*Validity of Election*

10.—(1) Any candidate unsuccessful at the poll may either personally or by her agent appointed in writing notify the Returning Officer within 14 days after the declaration of the result of the election that she contests the validity of the election on the ground of non-compliance with the provisions of this Scheme, or of any misdescription or miscount, or of the non-delivery, loss or miscarriage of any document.

(2) If after consideration of the contention disclosed in the notice, the Returning Officer is satisfied that the election was conducted substantially in accordance with the provisions of this Scheme and that any non-compliance, misdescription, miscount, non-delivery, loss or miscarriage did not affect the result of the election, he may, within 14 days of receiving such notice, so certify. In that event he shall forward a copy of his certificate to the unsuccessful candidate, who may within 7 days of receiving such copy, appeal to the Minister of Health.

(3) Where the Returning Officer does not so certify, he shall not later than the 15th day after receiving the notice forward a copy thereof to the Minister of Health together with such comments as he shall think fit.

(4) The Minister shall consider any appeal made under sub-paragraph (2) or any notice received under sub-paragraph (3) hereof and his decision as to whether the result of the election was affected by any non-compliance, misdescription, miscount, non-delivery, loss or miscarriage, shall be final. In the event of the Minister deciding that the result of the election was so affected, a fresh election in respect of both seats on the Committee shall take place.



APPENDIX

FORM A (*Notice of election*)

*Nurses Acts 1957 and 1961*

Notice is hereby given that pursuant to the Nurses Acts 1957 and 1961 an election of 2 registered mental nurses as members of the MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES, to represent registered mental nurses, is about to be held.

In order to be eligible for election or to be entitled to nominate for and take part in the election, a person must be a registered mental nurse (which term includes a registered nurse for the mentally subnormal) on \_\_\_\_\_, 19 \_\_\_\_.\*

Each candidate must be nominated on a separate nomination paper, and no person may nominate more than 2 candidates.

Every nomination paper must contain the name, address and registered qualification or qualifications of the candidate nominated; it must be signed by not fewer than 6 persons having the requisite qualifications for nominating the candidate; and the address and registered qualification or qualifications of each one so signing must be appended to her signature.

The nomination paper must be accompanied by a declaration in writing signed by the person nominated, acknowledging that she consents to be nominated, and must be delivered by post or otherwise, before the hour of 12 noon on \_\_\_\_\_, 19 \_\_\_\_,\* addressed to the Returning Officer, The General Nursing Council for England and Wales, P.O. Box 803, 23, Portland Place, London, W.1, from whom forms of nomination papers may, on application by post or otherwise, be obtained.

Every nomination paper which is not received at the address given above before the hour of 12 noon on \_\_\_\_\_, 19 \_\_\_\_,\* will be invalid.

(Date)

Returning Officer.

FORM B (*Form of nomination paper*)

We, the undersigned, being registered mental nurses (1)

hereby nominate (2) .....

of (3) .....

who is a registered mental nurse (1) and whose registration number is (4) ..... as a proper person to be elected to the Mental Nurses Committee of the General Nursing Council for England and Wales by registered mental nurses (1).

Signatures of Nominators	Address	Registered Qualification and Number

(Date)

\*This will be the date fixed by the Returning Officer as the last day for the receipt of nomination papers.

- (1) The term "registered mental nurse" includes a registered nurse for the mentally subnormal.
- (2) Here insert full name, including Christian names, of candidate.
- (3) Here insert candidate's address.
- (4) Here insert candidate's registration number.

N.B.—A nurse may not nominate more than two candidates.

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FORM C (*Form of declaration to be issued with the nomination paper for return by the candidate nominated*)

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ELECTION OF 2 REGISTERED MENTAL NURSES TO THE MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

---

(Date)

I consent to be nominated as a candidate for election as a representative of registered mental nurses (1) to serve on the Mental Nurses Committee of the General Nursing Council for England and Wales. I declare that the statement in the nomination paper with regard to my qualification is correct.  
 Name in full (in BLOCK LETTERS)

Address

Registration Number

Signature of Candidate.....

- (1) The term "registered mental nurse" includes a registered nurse for the mentally subnormal.

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FORM D  
 BALLOT PAPER

ELECTION OF 2 REGISTERED MENTAL NURSES AS MEMBERS OF THE MENTAL NURSES COMMITTEE OF THE GENERAL NURSING COUNCIL FOR ENGLAND AND WALES

Elector's Mark X	Name of Candidate Nominated	Address	Registered Qualification and Number



**EXPLANATORY NOTE**

*(This Note is not part of the Instrument, but is intended to indicate its general purport.)*

The rules approved by this Instrument replace by a new Scheme the Scheme for the election of the two members of the Mental Nurses Committee of the General Nursing Council for England and Wales who are required to be elected by virtue of the provisions of Schedule 3 to the Nurses Act 1957. The minor changes made are mainly those required as a result of the Nurses (Amendment) Act 1961.

## 1964 No. 1973

## LONDON GOVERNMENT

**The Administration of Justice Act 1964  
(Transitional, etc.) Order 1964**

<i>Made</i> - - - -	14th December 1964
<i>Laid before Parliament</i>	21st December 1964
<i>Coming into Operation</i>	
<i>Article 1(1)</i> - -	1st April 1965
<i>Remainder</i> - -	1st January 1965

In exercise of the powers conferred on me by section 84 of the London Government Act 1963(a), as extended by section 35 of the Administration of Justice Act 1964(b), I hereby make the following Order :—

1.—(1) References in the Appointment of Visiting Committees Order 1953 (as amended by the Appointment of Visiting Committees Order 1962) and in the Visiting Committee for Ashford Prison Order 1961 to London County Quarter Sessions and Middlesex County Quarter Sessions shall be construed as references to the courts of quarter sessions for the inner London area and the Middlesex area respectively.

(2) The courts of quarter sessions for the inner London area and the Middlesex area shall before 1st April 1965 make such appointments of justices as they are required to make by the Appointment of Visiting Committees Order 1953 (as amended by the Appointment of Visiting Committees Order 1962) and the Visiting Committee for Ashford Prison Order 1961 as modified by this Order and the justices so appointed shall hold office from 1st April 1965 until the first meeting held by their successors appointed in accordance with Rule 90(2) of the Prison Rules 1964(c).

2. References in section 42 of the Justices of the Peace Act 1949(d), section 23 of the Legal Aid and Advice Act 1949(e) and section 10 of the Costs in Criminal Cases Act 1952(f) to a county or borough council shall include references to the Greater London Council.

3. The provisions of the Schedule to this Order shall apply in respect of the committee of magistrates for the inner London area constituted under section 13 of the Administration of Justice Act 1964.

4. The members of the betting licensing committees last appointed under Regulation 1 or 2 of the Betting (Licensing) Regulations 1960(g) for the petty sessions areas which will, on 1st April 1965, cease to exist in consequence of section 2(1) of the Administration of Justice Act 1964 and for the petty sessional divisions of Waltham Abbey in the county of Essex, South Mimms in the county of Hertfordshire, Dartford in the county of Kent and Epsom in the county of Surrey shall hold office until 1st April 1965.

(a) 1963 c. 33.

(c) S.I. 1964/388 (1964 I, p. 591).

(e) 12, 13 &amp; 14 Geo. 6. c. 51.

(b) 1964 c. 42.

(d) 12, 13 &amp; 14 Geo. 6. c. 101.

(f) 15 &amp; 16 Geo. 6 &amp; 1 Eliz. 2. c. 48.

(g) S. I. 1960/1701 (1960 I, p. 363).

5. The members of the magistrates' courts committees last appointed under Regulation 3, 4 or 5 of the Magistrates' Courts Committees (Constitution) Regulations 1951(a) for the counties of London and Middlesex and the county boroughs of Croydon, East Ham and West Ham shall hold office until 1st April 1965.

6. No appointments shall be made to the panel of justices constituted by section 8 of the Summary Jurisdiction (Appeals) Act 1933(b) and the justices who are members of the existing panel shall continue to hold office until 1st April 1965.

7.—(1) The chairman and deputy chairman of the justices for a petty sessional division of the inner London area elected under arrangements mentioned in paragraph 6 of Schedule 4 to the Administration of Justice Act 1964 shall hold office until 31st December 1965.

(2) A member of the committee of magistrates constituted under section 13 of the Administration of Justice Act 1964 appointed under any such arrangements shall hold office until 1st December 1965.

(3) A member of the juvenile court panel for the inner London area and the City of London appointed under any such arrangements shall hold office until 31st October 1967.

8. Subject to the provisions of paragraph 19 of Schedule 4 to the Administration of Justice Act 1964, any person who immediately before 1st April 1965 stands committed under section 5 of the Vagrancy Act 1824(c) to the court of quarter sessions for a county or borough abolished by section 3 of the London Government Act 1963 shall be deemed to have been committed to the court of quarter sessions for the London commission area in which the county or borough is wholly or mainly situated and may be tried, sentenced or otherwise dealt with by the last-mentioned court as if he had originally been committed thereto by a magistrates' court for that area; and any recognizance entered into in connection with the committal shall have effect accordingly.

9.—(1) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(2) This Order may be cited as the Administration of Justice Act 1964 (Transitional, etc.) Order 1964.

(3) Subject to the provisions of paragraph (4) of this Article, this Order shall come into operation on 1st January 1965.

(4) Article 1(1) of this Order shall come into operation on 1st April 1965 except that for the purposes of making appointments to take effect on that date it shall come into operation on 1st January 1965.

*Frank Soskice,*  
One of Her Majesty's Principal  
Secretaries of State.

Home Office,  
Whitehall.

14th December 1964.

(a) S. I. 1951/2003 (1951 I, p. 1262).  
(c) 5 Geo. 4. c. 83.

(b) 23 & 24 Geo. 5. c. 38.  
(d) 52 & 53 Vict. c. 63.

## Article 3

## SCHEDULE

## THE COMMITTEE OF MAGISTRATES—CONSTITUTION AND QUORUM

1.—(1) The members of the committee of magistrates who are to be chosen under section 13(3)(a) of the Administration of Justice Act 1964 by the lay justices for each petty sessional division shall be chosen at a meeting held in October.

(2) The members of the committee of magistrates who are to be chosen under section 13(3)(b) of the Administration of Justice Act 1964 by the members of the juvenile court panel for the inner London area and the City of London and by any chairmen of juvenile courts for that area and the City of London who are not members of that panel shall be chosen at a meeting held in October.

2. Nominations shall be permitted, but where voting is necessary it shall be by ballot and shall be so conducted that there shall be no disclosure of how individual justices have voted.

3. Where an equality of votes is found to exist between any candidates and the addition of a vote would entitle one of them to be elected, the person taking the chair at the meeting shall forthwith decide between those candidates by lot.

4. If for any reason the requisite number of members of the committee of magistrates is not appointed at the proper time or a vacancy occurs thereon, the appropriate justices may at any subsequent meeting appoint to the vacancy and paragraphs 2 and 3 of this Schedule shall apply to the appointment.

5. The quorum of the committee of magistrates shall be seven members.

## EXPLANATORY NOTE

*(This Note is not part of the Order, but is intended to indicate its general purport.)*

This Order makes a number of consequential, transitional and supplementary provisions in connection with certain provisions of the Administration of Justice Act 1964 which relate to the London area. Article 1 makes provision for the appointment, by the courts of quarter sessions for the inner London area and the Middlesex area, of justices to serve on visiting committees for prisons in the London area. Article 2 adapts references in section 42 of the Justices of the Peace Act 1949, section 23 of the Legal Aid and Advice Act 1949 and section 10 of the Costs in Criminal Cases Act 1952 to a county or borough council to include the Greater London Council. Article 3 and the Schedule regulate the constitution and quorum of the committee of magistrates for inner London. Articles 4 to 7 make transitional provisions in respect of the term of office of persons who are members of certain bodies. Article 8 makes transitional provisions about the trial of persons who stand committed under section 5 of the Vagrancy Act 1824 to the court of quarter sessions for a county or borough abolished by the London Government Act 1963.

## 1964 No. 1974 (L. 16)

## COUNTY COURTS

## PROCEDURE

## The County Court (Amendment No. 2) Rules 1964

*Made* - - - - 14th December 1964

*Coming into Operation—*

*Rules 8, 18, 20* - - - 1st March 1965

*Rule 13(3)* - - - 6th April 1965

*Remainder* - - - 1st January 1965

1.—(1) These Rules may be cited as the County Court (Amendment No. 2) Rules 1964.

(2) In these Rules an Order and Rule referred to by number means the Order and Rule so numbered in the County Court Rules 1936(a), as amended(b), “Appendix A” means Appendix A to those Rules and a Form referred to by number means the Form so numbered in that Appendix.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. For paragraph (3) of Rule 1 of Order 2 there shall be substituted the following paragraph:—

“(3) Where the plaintiff’s claim—

(a) is founded on a hire-purchase agreement but is not for the delivery of goods, or

(b) is founded on a contract for the sale or hire of goods under which the purchase price or rental is payable otherwise than in one sum, then, unless the amount claimed (including, in a case falling within paragraph (b), the value of any goods of which delivery is claimed) exceeds £100, paragraph (1)(b) of this Rule shall have effect as if for the words ‘the cause of action wholly or in part arose’ there were substituted the words ‘the defendant or one of the defendants resided or carried on business when the contract was made’.”

3. In paragraph (2)(e) of Rule 2 of Order 6 for the words “under a hire-purchase agreement to recover more” there shall be substituted the words “on a claim arising out of a hire-purchase agreement unless the claim is for no more”.

4. The following amendments shall be made in Order 7:—

(1) Paragraph (1) of Rule 7A shall be amended as follows:—

(a) After the words “hire-purchase agreement” there shall be inserted the words “to a person other than a body corporate”.

(a) S.R. & O. 1936/626 (1936 I, p. 282).

(b) The relevant amending Instruments are S.R. & O. 1938/18, 1475, 1939/815, 1947/2576, S.I. 1950/1231, 1993, 1952/2198, 1954/1675, 1955/1799, 1956/1243, 1851, 1957/174, 1136, 1958/2226, 1960/1275, 1961/1526, 1962/1293 (1938 I, pp. 977, 990; 1939 I, p. 469; 1947 I, p. 366; 1950 I, pp. 400, 440; 1952 I, p. 635; 1954 I, p. 541; 1955 I, p. 530; 1956 I, pp. 541, 545; 1957 I, pp. 512, 517; 1958 I, p. 372; 1960 I, p. 809; 1961 II, p. 3177; 1962 II, p. 1383).

(c) 52 & 53 Vict. c. 63.



(b) After sub-paragraph (i) there shall be inserted the following sub-paragraph :—

“ (ii) the place where the agreement was signed by the hirer ; ”.

(c) Sub-paragraphs (ii), (iii), (iv) and (v) shall be re-numbered (iii), (iv), (v) and (vi) respectively and after the last-mentioned sub-paragraph there shall be inserted the following sub-paragraph :—

1964 c. 53. “ (vii) whether a notice of default within the meaning of section 15 of the Hire Purchase Act 1964 has been served on the hirer and, if it has, the date on which it was so served ; ”.

(d) Sub-paragraphs (vi), (vii) and (viii) shall be re-numbered (viii), (ix) and (x) respectively and in the last-mentioned sub-paragraph for the words “ paragraph (vii) ” there shall be substituted the words “ sub-paragraph (ix) ”.

(2) In paragraph (2) of Rule 7A for the words from “ Where a plaintiff ” to “ delivery of goods ” there shall be substituted the words “ Where a plaintiff’s claim arises out of a hire-purchase agreement but is not for the delivery of goods ”.

(3) In paragraph (2)(b) of Rule 9 for the words “ and order ” to the end there shall be substituted the words “ and direct that the action shall be dismissed, or that anything in the particulars of claim of which further particulars have been ordered shall be struck out, unless the order is obeyed within such time as the court may allow ”.

5. In paragraph (8) of Rule 4 of Order 9 for the words from “ that ” to the end there shall be substituted the words “ that the defendant shall be debarred from defending altogether, or that anything in the defence of which further particulars have been ordered shall be struck out, unless the order is obeyed within such time as the court may allow ”.

6. In paragraph (2) of Rule 3 of Order 13 for the word “ direct ” there shall be substituted the word “ order ” and for the words “ order that ” to the end there shall be substituted the words “ direct that the action shall be dismissed or, as the case may be, the defendant shall be debarred from defending altogether, or that anything in any pleading of which particulars have been ordered shall be struck out, unless the order is obeyed within such time as the court may allow ”.

7. Paragraph (2) of Rule 6 of Order 16 shall be amended as follows :—

- (1) The words “ or Form 299, whichever is applicable ” shall be omitted.
- (2) For the marginal note “ Forms 90, 299 ” there shall be substituted the marginal note “ Form 90 ”.

8. Rule 48 of Order 25 shall be amended as follows :—

- (1) In paragraph (3), sub-paragraph (c) shall be omitted and sub-paragraph (d) shall stand as sub-paragraph (c).
- (2) In paragraph (4) for the words from “ When the proceedings ” to “ Rule 33 of this Order ” there shall be substituted the following words :—

“ When the proceedings have been transferred to the other court—

- (a) the registrar of that other court shall give to the judgment creditor and the judgment debtor notice of the transfer in Form 90A ;
- (b) payments under the judgment or order shall be made into that court, and
- (c) subject to Rule 33 of this Order ”.

**9. Rule 7 of Order 27 shall be amended as follows:—**

- (1) In paragraph (3) for the words from “within 4 days” to “a notice of acceptance” there shall be substituted the words “within 7 days of the receipt by him of the notice of payment into court or, if the notice is received by him less than 7 days before the return day, before the hearing of the proceedings begins, give notice of acceptance to the registrar and to the garnishee”.
- (2) In paragraph (5) for the word “subsequently” there shall be substituted the words “at any subsequent time before the hearing of the proceedings begins”.

**10.** In paragraph (1)(d) of Rule 5 of Order 37 for the words “before the judge” there shall be substituted the words “before himself or another judge of the court on a day to be fixed”.

**11.** In paragraph (2)(c) of Rule 1 of Order 39 for the words “any county court in the County of London” there shall be substituted the words “the Westminster County Court”.

**12.** At the end of paragraph (2)(a) of Rule 20 of Order 40 there shall be added the words “and accordingly the notice in Form 26 which is served on the respondent pursuant to Order 6, Rule 4(2)(c), shall contain a notice in Form 342 requiring him to file an answer as aforesaid”.

**13. The following amendments shall be made in Order 46:—****(1) Rule 5 shall be amended as follows:—**

- (a) In the title for the words “The Licensing Act, 1963” there shall be substituted the words “Licensing Act 1964”.
- (b) For the words “section 17(5) of the Licensing Act, 1953” there shall be substituted the words “section 14(5) of the Licensing Act 1964”.
- (c) For the marginal note “1 & 2 Eliz. 2, c. 46” there shall be substituted the marginal note “1964 c. 26”.

**(2) Rule 10 shall be amended as follows:—**

- (a) In the title of the Rule for the words “Act, 1938” there shall be substituted the words “Acts 1938 to 1964”.
- (b) In paragraph (1) for the words “referred to as ‘the Act’” there shall be substituted the words “referred to as ‘the Act of 1938’”.
- (c) In paragraph (2) after the words “the Act” there shall be inserted the words “of 1938”.
- (d) In paragraph (3) after the words “the Act” there shall be inserted the words “of 1938”.
- (e) For paragraph (4) there shall be substituted the following paragraph:—

“ (4) In an action in which an order under section 12(4) of the Act of 1938 has been made by the registrar, any application under section 13 of that Act or section 18 of the Hire-Purchase Act 1964 (in this Rule referred to as ‘the Act of 1964’) may be heard and determined by the registrar.”

**(f) The following paragraphs shall be added after paragraph (4):—**

“ (5) Where an application is made in pursuance of section 17(7) of the Act of 1964 for the issue of a warrant of delivery, the application shall be made on notice to be served personally

on the person in possession of the goods and no leave to issue the warrant shall be required under Order 25, Rule 6.

(6) Where, after the making of an order under paragraph (a) or paragraph (b) of section 12(4) of the Act of 1938, the plaintiff proposes, in pursuance of section 19(1) of the Act of 1964, to make or proceed with a claim for the payment of money, he shall apply on notice to the defendant for an order for payment of the money and, if the claim has not already been made in the action, particulars of the claim shall be given in or annexed to the notice.

(7) In this Rule 'guarantor' includes a person who, at the request (express or implied) of the hirer under a hire-purchase agreement, has entered into a contract to indemnify the owner against loss which he may incur in respect of the agreement."

(3) The following paragraphs shall be substituted for paragraphs (7) and (8) of Rule 13:—

"(7) In the case of proceedings for the recovery of income tax, the cause of action shall, for the purposes of Order 2, Rule 1(1)(b), be deemed to have arisen in part at the office of any collector of taxes by whom demand of the sum claimed has been made from the defendant.

(8) Where proceedings are brought by or against the Crown, Orders 9 and 10 shall have effect subject to the following modifications:—

(a) In proceedings by the Crown for the recovery of taxes, duties or penalties the defendant shall not be entitled to avail himself of any set-off or counterclaim and accordingly—

(i) in Forms 18 and 19 paragraph (3) of the Instructions shall be deleted,

(ii) in Form 18A the words from 'or I have a COUNTERCLAIM' to 'may be struck out' shall be deleted, and

(iii) in Form 22 for the words 'Defence or Counterclaim' there shall be substituted the words 'or Defence' and paragraph (3) of the Instructions shall be deleted.

(b) In proceedings of any other nature by the Crown the defendant shall not be entitled to avail himself of any set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties or penalties.

(c) In any proceedings by the Crown the defendant shall not be entitled, and in any proceedings against the Crown the Crown shall not be entitled, without the leave of the judge to be obtained on application of which not less than seven clear days' notice has been given to the plaintiff, to avail himself or itself of any set-off or counterclaim—

(i) if the Crown sues or is sued in the name of a Government department and the subject-matter of the set-off or counterclaim does not relate to that department; or

(ii) if the Crown sues or is sued in the name of the Attorney-General."

14. The following amendments shall be made in Order 49:—

(1) In Rule 2 in the definition of "Hire-purchase agreement" the words from "and also" to the end shall be omitted.

(2) The following Rule shall be added after Rule 2:—

“3. The provisions of these Rules relating to hire-purchase agreements shall have effect in relation to conditional sale agreements within the meaning of section 21(5) of the Hire-Purchase Act 1964, subject to the modifications specified in paragraph 2(1) of Schedule 1 to that Act.”

15.—(1) The following paragraph shall be added to the Instructions in Forms 18 and 19 and shall be inserted in the Instructions in Form 22 after paragraph (5):—

“(6) If you have paid the amount of the claim since the date of issue of the summons, you should inform the Court on the attached form, stating the date of payment, and pay the costs into Court within the 8 days mentioned in the foregoing Instructions”.

(2) In Forms 18 and 19, as so amended—

(a) the words “Dated this                      day of                      19    REGISTRAR” shall be omitted;

(b) immediately above the word “INSTRUCTIONS” there shall be inserted the following words:—

“Issued this                      day of                      19 .

*Registrar*

**IMPORTANT—FOR INSTRUCTIONS TURN OVER**

[Back]”;

(c) the word “INFORMATION” shall be deleted and paragraphs (1), (2) and (3) appearing under that heading shall be added to the Instructions as paragraphs (7), (8) and (9) respectively.

(3) In Form 22, as so amended—

(a) for the words “Dated this” there shall be substituted the words “Issued this”;

(b) immediately above the word “INSTRUCTIONS” there shall be inserted the following words:—

**“IMPORTANT—FOR INSTRUCTIONS TURN OVER**

[Back]”;

(c) paragraphs (6) and (7) of the Instructions shall be re-numbered (7) and (8) respectively.

16. In the marginal note to Form 68 for the figure “9(d)” there shall be substituted the figure “9(c)”.

17. The following form shall be substituted for Form 90:—

“90

Order 16,  
Rule 6(2).

ORDER FOR TRANSFER OF PROCEEDINGS  
TO ANOTHER COUNTY COURT

[General Title—Form 2]

Seal

WHEREAS [on the *ex parte* application of the defendant] it appears that the above action [or matter] can be more conveniently or fairly tried in the                      County Court [or that it would be a hardship

on the defendant for the above action to proceed in this Court] [*or as the case may be*]

IT IS ORDERED that the above action [*or matter*] be transferred to the County Court."

18. In Form 90A for the words from "to the County Court" to the end there shall be substituted the words "from the County Court to this Court and have been allotted the above Plaintiff Number. [*Add where notice addressed to judgment debtor All future payments under the judgment or order must be made to the Registrar of this Court and accompanied by this notice.*]"

19. The following form shall be inserted in Appendix A after Form 139(5):—

" 139(6)

Order 24,  
Rule 2(1).

ORDER ON APPLICATION UNDER SECTION 18 OF THE  
HIRE PURCHASE ACT 1964

[*General Title—Form 2*]

Seal

IT IS ORDERED that the order [in the judgment] in this action dated the day of 19 , for the return of the goods specified in the judgment [*or order*] be revoked and that the defendant do pay the sum of £ in respect of the balance of the price of the goods and £ for costs to the registrar of this Court on the day of 19 [*or by instalments of for every calendar month [or 28 days], the first instalment to be paid on the day of 19 .*]"

20. In Form 141A the words from "Notice of the transfer" to the end shall be omitted.

21. In Form 158 the entry "Folio in ledger . . ." shall be omitted.

22. In Form 170 the entry "Fol. Ledger" shall be omitted.

23. In Forms 179A, 184, 186 and 196 for the words "all peace officers within the jurisdiction of the Court", where they appear in each form, there shall be substituted the words "every constable within his jurisdiction".

24. In Form 209 for the words from "send to the registrar" to "receipt by you of this notice" there shall be substituted the words "give written notice of such acceptance by hand or by post to the registrar of this Court and to the garnishee so as to reach them within seven days of the receipt by you of this notice [*or before the hearing of these proceedings begins*]".

25. Form 299 shall be omitted.

26. The following form shall be inserted in Appendix A after Form 341:—

" 342

Order 40,  
Rule 20(2)(a).

NOTICE TO RESPONDENT IN APPLICATION UNDER SECTION 53  
OF THE LANDLORD AND TENANT ACT 1954

If you wish to oppose the application or to dispute any allegation contained therein, you must, within eight days after service of this notice on you, inclusive of the day of service, file in the court office an answer,

together with as many copies as there are other parties to the proceedings, specifying the allegations which you dispute and stating the grounds of your opposition.”

**27.** In Form 362 for the words “Licensing Act, 1953” there shall be substituted the words “Licensing Act 1964”.

**28.** Notwithstanding anything in Rules 15 and 23 of these Rules, Forms 18, 19, 22, 179A, 184, 186 and 196 may continue to be used in the form hitherto prescribed until the Lord Chancellor otherwise directs.

We, the undersigned members of the Rule Committee appointed by the Lord Chancellor under section 102 of the County Courts Act 1959(a), having by virtue of the powers vested in us in this behalf made the foregoing Rules, do hereby certify the same under our hands and submit them to the Lord Chancellor accordingly.

*Alun Pugh.*  
*D. O. McKee.*  
*O. Temple-Morris.*  
*S. Granville Smith.*  
*Connolly H. Gage.*  
*D. Freeman Coutts.*  
*W. Ralph Davies.*  
*Michael Hoare.*  
*Philip J. Cox.*  
*Arthur J. Driver.*  
*A. F. Stapleton Cotton.*

I allow these Rules and I direct that, with the exception of Rules 8, 13(3), 18 and 20, they shall come into operation on 1st January 1965, Rules 8, 18 and 20 shall come into operation on 1st March 1965 and Rule 13(3) shall come into operation on 6th April 1965.

*Gardiner, C.*

Dated 14th December 1964.

## EXPLANATORY NOTE

*(This Note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules make a number of amendments to the County Court Rules, of which the following are the most important:—

- (1) The Rules relating to actions founded on hire-purchase agreements are amended so as to take account of the provisions of the Hire-Purchase Act 1964 (c. 53) (Rules 2, 3, 4(1) and (2), 13(2), 14 and 19).
- (2) Special provision is made for the venue in proceedings for the recovery of income tax brought under section 8 of the Income Tax Management Act 1964 (c. 37) and the Rule relating to Crown proceedings is recast (Rule 13(3)).
- (3) Where proceedings are transferred from one county court to another for the issue of a judgment summons, the registrar of that other court (instead of the registrar of the transferring court) is to give notice of the transfer and the notice is to be given to the judgment creditor as well as to the debtor (Rules 8, 18 and 20).

- (4) The court is given power to strike out part of a pleading on failure to comply with an order to give further particulars of it (Rules 4(3), 5 and 6).
- (5) Where, on an appeal from the registrar, the judge orders a new trial, he must direct it to take place on a day to be fixed and he may direct it to take place before another judge of the court (Rule 10).
- (6) The forms of ordinary and default summons are amended so as to instruct the defendant, if he has paid the amount claimed to the plaintiff since the issue of the summons, to pay the costs on the summons into court (Rule 15(1)). The instructions on the ordinary summons are transferred to the back of the summons (Rule 15(2)).
- (7) The general form of order for the transfer of proceedings from one county court to another is made more informative and the separate form for Admiralty proceedings is abolished (Rules 17 and 25).









