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THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES

1965

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

PART II

LONDON
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**The Public General Acts
and Church Assembly Measures
which received the Royal Assent in 1965
in which year ended the THIRTEENTH
and began the FOURTEENTH YEAR
of the Reign of HER MAJESTY
QUEEN ELIZABETH THE SECOND
and
ended the First Session and
began the Second Session
of the Forty-third Parliament of the
United Kingdom of Great Britain
and Northern Ireland**

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THE PUBLIC GENERAL ACTS OF 1965

Family Allowances Act 1965

1965 CHAPTER 53

An Act to consolidate the Family Allowances Acts 1945 to 1964 and certain related enactments.

[5th August 1965]

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

Grant of family allowances

1. Subject to the provisions of this Act, there shall be paid by the Minister for every family which includes two or more children, and for the benefit of the family as a whole, an allowance in respect of each child in the family other than the elder or eldest at the rate of eight shillings a week in respect of the first child other than the elder or eldest and ten shillings a week in respect of each other such child.

Direction for payment, and amount, of allowances.

2.—(1) A person shall be treated for the purposes of this Act as a child—

Meaning of "child".

- (a) during any period whilst he is under the upper limit of the compulsory school age ; and
- (b) during any period before he attains the age of nineteen whilst he is undergoing full-time instruction in a school or is an apprentice ; and
- (c) during any period before he attains the age of sixteen whilst he is by reason of illness or disability of mind

or body incapacitated, and likely to remain for a prolonged period incapacitated, for regular employment.

(2) For the purposes of this section—

- 1962 c. 12.
1944 c. 31.
- (a) the upper limit of the compulsory school age means, subject to section 9 of the Education Act 1962, the age that is for the time being that limit by virtue of section 35 of the Education Act 1944 together with any Order in Council made under that section ;
 - (b) a person who at any time attains the upper limit of the compulsory school age shall not be treated as being under that limit at any time thereafter, notwithstanding any subsequent change in that limit ;
 - (c) a person who becomes an apprentice after an interval of not more than one month from attaining the upper limit of the compulsory school age, or from ceasing to undergo full-time instruction in a school, shall be treated as having been an apprentice throughout the interval.

(3) In its application to Scotland, this section shall have effect as if for subsection (2)(a) thereof there were substituted the following:—

“(a) the upper limit of the compulsory school age means in relation to any person the age at which under the law for the time being in force his parents cease to be under obligation to cause him to receive efficient education.”

Meaning of
“family”.

3.—(1) Subject to the provisions of this Act, each of the following shall be treated for the purposes of this Act as constituting a family, that is to say—

- (a) a man and his wife living together, any child or children being issue of theirs, his or hers, and any child or children being maintained by them ;
- (b) a man not having a wife or not living together with his wife, any child or children being issue of his, and any child or children being maintained by him ; and
- (c) a woman not having a husband or not living together with her husband, any child or children being issue of hers, and any child or children being maintained by her.

(2) It shall be a condition of a child's being treated as included in a family as being issue of the man and his wife or one of them, of the man, or of the woman (according as the family falls within paragraph (a), (b) or (c) of subsection (1) of this section) that the child is living with them, with him or with her, as the case may be, or, if not, that the cost of providing for the child is contributed to by them taken together, by him, or by her, as the case may be, at the rate of eight shillings a week or more.

(3) The provisions of the Schedule to this Act shall have effect as to the circumstances in which a man and his wife living together, or such a man or woman as is mentioned in subsection (1)(b) or (c) of this section, is to be treated as maintaining a child, and for determining as between parents and persons maintaining children, or as between one parent of a child and the other, in what family a child is to be treated as included.

4.—(1) Allowances for any family shall belong—

- (a) in the case of the family of a man and his wife living together, to the wife, subject however to the provisions of subsections (2) and (3) of this section ;
- (b) in the case of the family of such a man as is mentioned in section 3(1)(b) of this Act, to him ;
- (c) in the case of the family of such a woman as is mentioned in section 3(1)(c) of this Act, to her.

Persons to whom allowances are to be paid.

(2) Sums to be paid on account of an allowance for the family of a man and his wife living together shall be receivable either by the man or by the wife.

(3) If in the case of a man and his wife living together a magistrates' court are satisfied, on a representation made to the court by way of complaint by either of them or by the Minister or the local authority, that one of them is not, as against the other, a proper recipient of allowances for their family, the court may order that sums on account of allowances for their family becoming receivable after the expiration of fourteen days from the date of the order shall, notwithstanding anything in subsection (2) of this section, be receivable, as between them, by the other only, and any order made under this subsection may be revoked or varied by a subsequent order of a magistrates' court on a representation made as aforesaid.

(4) It shall be the duty of a magistrates' court to send notification to the Minister of any order made by them under subsection (3) of this section as soon as may be after the order is made.

(5) The local authority for the purposes of subsection (3) of this section shall be—

- (a) in England and Wales, in the case of a county borough or London borough, the borough council, in the case of the City of London, the Common Council, and elsewhere the county council ;
- (b) in Scotland, in the case of a large burgh within the meaning of the Local Government (Scotland) Act 1947 c. 43, 1947, the town council, and elsewhere the county council, any burgh other than a large burgh being deemed to be included within the county in which it is situated.

(6) In the application of this section to Scotland, for any reference to a magistrates' court there shall be substituted a reference to the sheriff and subsection (3) shall have effect as if the words "by way of complaint" were omitted.

Claims, duration of allowances, and payment

Claims and determination of questions.

5.—(1) Subject to the provisions of this Act and to section 48(2)(c) of the Insurance Act (which provides that a claim for benefit under that Act may be treated as a claim, in the alternative, for a payment under this Act), and in accordance with regulations made under this Act, all claims for or in respect of allowances shall be made to the Minister.

(2) Part IV of the Insurance Act shall apply in relation to the determination of any question arising under this Act, being—

- (a) a question as to the right to an allowance in respect of any person for any family ; or
- (b) a question which by virtue of the Schedule to this Act falls to be decided by the Minister in his discretion,

as it applies to the determination of questions as to the right to benefit under the Insurance Act or, as the case may be, to such a question as is mentioned in paragraph (b) of this subsection arising under that Act, subject, in the case of such a question as is mentioned in paragraph (a) of this subsection, to any modifications prescribed for the purposes of this subsection under section 73 of that Act.

Period for which allowances are to accrue.

6.—(1) An allowance shall be for a continuous period ascertained under the subsequent provisions of this section, and any award of an allowance shall be made accordingly.

(2) Subject to the provisions of section 7 of this Act, an allowance awarded shall begin to accrue—

- (a) if the claim was made within six months from the date of entitlement, on the date of entitlement ; or
- (b) if the claim was not made within six months from the date of entitlement, then at the beginning of the period of six months immediately preceding the date on which the claim was made.

In this subsection the expression "date of entitlement" means, in relation to an allowance awarded in respect of any person as being a child included in any family, the date on which all the requirements of this Act and of any relevant regulations for the existence of a right to an allowance in respect of that person for that family became satisfied, or, if when the award was made those requirements had become satisfied more than once, the date on which they last became satisfied.

(3) An allowance awarded in respect of any person as being a child included in the family of a man and his wife shall be

awarded not only for their family but also, with effect after the death of either of them whilst they are living together, for any family for the time being of the survivor, or of the survivor and a spouse of the survivor.

(4) Subject to the provisions of section 7 of this Act, an allowance awarded in respect of any person shall terminate when any of the requirements of this Act or of any relevant regulations for the existence of a right to an allowance in respect of that person ceases to be satisfied, or that person is no longer included in a family for which the allowance was awarded, or any of the requirements of this Act or of any relevant regulations for the existence of a right to an allowance for such a family in which that person is included ceases to be satisfied, whichever first occurs.

7.—(1) Allowances shall be payable by sums on account thereof receivable at such times, in such manner, whether through the Post Office or otherwise, and subject to such conditions, as may be prescribed.

Method of payment, and time for obtaining payment.

(2) The right to so much of an allowance as is payable by a sum on account thereof made receivable (whether unconditionally or subject to satisfaction of any prescribed conditions) on any day shall be extinguished at the expiration of six months from that day if payment thereof has not been obtained during that period.

(3) The regulations to be made for the purposes of this section may make provision for securing that the beginning of accruer of allowances shall coincide with a day in the week on which sums on account of allowances made receivable weekly are to become receivable, and that the termination of allowances shall coincide with a day next before such a day.

8.—(1) Without prejudice to the provisions of paragraph 1 of Schedule 7 to the Insurance Act (which relates to set-off of certain overpayments) and to the provisions of sections 13 and 14 of the National Assistance Act 1948 with respect to the abatement of payments in respect of arrears of allowance, the provisions of section 81(1) to (5) of the Insurance Act (which relate to the recovery of benefit under that Act which has been wrongly paid and to interim payment of such benefit) and of section 49(5) of the Insurance Act (which relates to the suspension of benefit) shall apply—

Recovery of allowances wrongly paid, interim payment of allowances, and arrears. 1948 c. 29.

- (a) in relation to an allowance and to sums paid on account of an allowance as they apply in relation to, or to sums paid by way of, benefit under the Insurance Act; and
- (b) in relation to the person to whom an allowance belongs as they apply in relation to a beneficiary under the Insurance Act,

but with the substitution in the said section 81(1) for the reference to the National Insurance Fund of a reference to the Minister.

(2) Regulations made under the said section 81(3) by virtue of subsection (1) of this section may, notwithstanding anything in any other provision of this Act, include provision as to the commencement of an allowance awarded for a family in respect of a child in respect of whom an allowance has under a previous award been payable for another family; and for the purposes of the said section 81(3) and (4) as applied by subsection (1) of this section, the determination of any question as to the date at which, by virtue of section 6 of this Act, an allowance terminates or has terminated under an award shall be treated as a review of the award.

1965 c. 52.

(3) Where, in the case of any person, any sum may, by virtue of any provision made for the purposes of this Act by regulations under the said section 81(3), be recovered by deduction from any payment under this Act, it may instead be recovered from him in whole or in part by deduction from benefit under the Insurance Act or from any payment under the National Insurance (Industrial Injuries) Act 1965, and any amount so recovered shall be paid to the Treasury.

(4) Any sums which a person is required to pay to the Minister by way of repayment of a sum paid as on account of an allowance which was not properly payable may, without prejudice to the recovery thereof as a debt due to the Crown, be recovered by the Minister summarily as a civil debt; and proceedings for the summary recovery as a civil debt of any such sum may, notwithstanding anything to the contrary in any Act, be brought at any time within twelve months from the time when that sum was paid or, where the proceedings are for the recovery of a consecutive series of sums, within twelve months from the date on which the last sum of the series was paid.

(5) In its application to Scotland, subsection (4) of this section shall have effect as if the words " summarily " and " summary " were omitted, and nothing in that subsection shall be construed as limiting the period within which proceedings for the recovery of any sum may be brought.

Penalty for obtaining or receiving payment wrongfully.

9. If any person—

- (a) with intent to obtain any sum as on account of an allowance, either as in that person's own right or as on behalf of another, furnishes any information which he knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular, or withholds any material information; or
- (b) obtains or receives any sum as on account of an allowance, either as in that person's own right or as on behalf of another, knowing that it was not properly payable, or not properly receivable by him,

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

10.—(1) Every assignment of or charge on, and every agreement to assign or charge, an allowance or any part of an allowance or any sum to be paid on account of an allowance shall be void; and on the bankruptcy of a person to whom an allowance belongs or by whom sums on account of an allowance are receivable, no rights in respect of the allowance or of any sum to be paid on account thereof shall pass to any trustee or other person acting on account of the creditors. Allowances to be inalienable.

(2) Sums receivable by any person on account of an allowance shall not be included in calculating his means for the purposes of section 5 of the Debtors Act 1869. 1869. c. 62.

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

(a) for the reference in subsection (1) to the bankruptcy of a person there shall be substituted a reference to the sequestration of the estate of a person;

(b) for the reference in subsection (2) to section 5 of the Debtors Act 1869 there shall be substituted a reference to section 4 of the Civil Imprisonment (Scotland) Act 1882. 1882 c. 42.

Exclusions in certain circumstances

11.—(1) A child shall not, for the purposes of this Act, be treated as included in any family as respects any period— Exclusion of certain children.

(a) during which his or her detention in an approved school is authorised—

(i) by an order made under any provision of the Children and Young Persons Act 1933 or by virtue of section 73 of that Act or Part I of Schedule 2 to the Criminal Justice Act 1961; or 1933 c. 12.
1961 c. 39.

(ii) by an order made under any provision of the Children and Young Persons (Scotland) Act 1937 or by virtue of section 77 of that Act or Part I of Schedule 2 to the Criminal Justice (Scotland) Act 1963, 1937 c. 37.
1963 c. 39.

and the child is not absent from the school under supervision;

(b) during which the child is liable to be detained by virtue of section 53 of the said Act of 1933 or section 57 of the said Act of 1937 and is not discharged on licence;

(c) during which there is in force a provision of an order made by virtue of section 9 of the Children and Young Persons Act 1963 or an order under section 1963 c. 37.

73(2) of the said Act of 1937 committing the child to custody in any place.

1956 c. 50. (2) A child shall not, for the purposes of this Act, be treated as included in any family as respects any period during which there is in force an order under the said Act of 1933 or the said Act of 1937 committing the child to the care of a local authority, not being a period during which, under the provisions of section 5(1) of the Family Allowances and National Insurance Act 1956, the child is allowed by the authority to be under the control of a parent, guardian, relative or friend of the child.

1948 c. 43. (3) A child in respect of whom there is in force a resolution of a local authority passed under section 2(1) of the Children Act 1948 shall not, for the purposes of this Act, be treated as included in any family:

Provided that this subsection shall not have effect as respects any period during which under the provisions of section 3 or 4 of the said Act of 1948 the child is allowed by the local authority to be, either for a fixed period or otherwise, under the control of a parent, guardian, relative or friend of the child.

1958 c. 5.
(7 & 8 Eliz. 2) (4) Subsections (2) and (3) of this section shall not apply to a child in the care and possession of a person who has given in respect of that child such a notice of intention to apply for an adoption order as is mentioned in section 36(1) of the Adoption Act 1958 unless twelve weeks have elapsed since the giving of the notice without the application being made or the application has been refused by the court or withdrawn.

(5) Any reference in the foregoing provisions of this section to an order made or resolution passed under any enactment includes a reference to an order or resolution which by virtue of any other provision is deemed to be made or passed under that enactment.

(6) Where a person is entitled in respect of a child to a guardian's allowance under section 29 of the Insurance Act, any allowances payable under this Act for his family shall be such only as would be payable if that child were not included in the family.

Administrative provisions

Information as to, and proof of, age, marriage or death.

12. Section 91 of the Insurance Act (which makes provision for the furnishing by registrars of births, marriages and deaths of information for the purposes of that Act and for the obtaining of birth, marriage or death certificates for those purposes) shall apply for the purposes of this Act as it applies for the purposes of that Act.

Regulations.

13.—(1) The Minister, in conjunction with the Treasury so far as relates to matters with respect to which the Treasury so direct, and in conjunction with the Postmaster General so far as relates

to the Post Office, may make regulations for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into effect, and in particular, but without prejudice to the generality of this subsection—

- (a) for prescribing the manner in which claims to allowances may be made ;
- (b) for specifying the circumstances in which a person is to be treated for the purposes of this Act as undergoing full-time instruction in a school or full-time training ;
- (c) for enabling a person to be appointed to exercise, on behalf of a claimant, or of a person to or by whom an allowance belongs or is receivable, who may be or become unable for the time being to act, any right or power which that claimant or person may be entitled to exercise under this Act, and for authorising a person so appointed to receive any sum on account of an allowance on behalf of that claimant or person ;
- (d) for imposing upon persons to whom allowances belong or by whom or on whose behalf sums on account of allowances are receivable the duty to furnish to the Minister information of facts affecting the right thereto ;
- (e) for making provision, in connection with the death of persons who had made claims for allowances or to whom allowances belonged or by whom sums on account of allowances were receivable, for enabling such claims to be proceeded with, for extending the period limited by section 7 of this Act for obtaining payment of such sums, for authorising payment or distribution of such sums to or amongst persons claiming as personal representatives, legatees, next of kin or creditors of such persons (or, in cases of illegitimacy of deceased persons, to or amongst others), and for dispensing with strict proof of the title of persons so claiming.

(2) Any regulations made under this Act by the Minister shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) If any person contravenes or fails to comply with any requirement of regulations made under this Act, he shall be liable on summary conviction to a fine not exceeding ten pounds.

14.—(1) Proceedings for an offence under this Act shall not be instituted in England or Wales except by or with the consent of the Minister or by an officer authorised in that behalf by special or general directions of the Minister. Provisions as to legal proceedings.

(2) Proceedings for the summary recovery as a civil debt of a sum due to the Minister under this Act may be instituted by an officer authorised in that behalf by special or general directions of the Minister.

(3) An officer authorised in that behalf by special or general directions of the Minister may, although not of counsel or a solicitor, prosecute or conduct any such proceedings as aforesaid before a magistrates' court.

(4) Proceedings for an offence under this Act may be commenced at any time within the period of three months from the date on which evidence, sufficient in the opinion of the Minister to justify a prosecution for the offence, comes to his knowledge, or within the period of twelve months from the date on which the offence was committed, whichever period last expires, and for the purposes of this subsection a certificate purporting to be signed by or on behalf of the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(5) In its application to Scotland, this section shall have effect as if—

- (a) in subsection (2) the word "summary" were omitted;
- (b) in subsection (3), for the reference to a magistrates' court there were substituted a reference to the sheriff;
- (c) in subsection (4), for the reference to evidence sufficient to justify a prosecution there were substituted a reference to evidence sufficient to justify a report to the Lord Advocate with a view to consideration of the question of prosecution.

Financial provisions

Exemption
from stamp
duty.

15. Stamp duty shall not be chargeable upon a draft or order for the payment of a sum on account of an allowance, or upon a receipt given for, or on the payment of, any such sum.

Expenses, etc.,
to be borne
out of moneys
provided by
Parliament.

16.—(1) There shall be paid out of moneys provided by Parliament—

- (a) any sums paid on account of allowances;
- (b) any expenses incurred in the administration of this Act, to such extent as may be sanctioned by the Treasury, other than expenses incurred by the Postmaster General;
- (c) such sums as are necessary to make good to the National Insurance Fund or the Industrial Injuries Fund, as the case may be, the amount by which any payments

to be made under section 1 of this Act are reduced by reference to sums borne by the Fund in question by virtue of paragraph 1 of Schedule 7 to the Insurance Act.

(2) For the purposes of subsection (1)(b) of this section, there shall be included among the expenses incurred in the administration of this Act—

- (a) any payments under section 80 of the Insurance Act (which relates to the remuneration of the National Insurance Commissioner and deputy Commissioners and other expenses in connection with the work of persons and tribunals appointed to determine questions under that Act) in so far as those payments are estimated by the Minister to be attributable to the determination of any such question arising under this Act as is mentioned in section 5(2) of this Act or to the operation of section 8(1) to (3) of this Act ;
- (b) such part of the sums referred to in section 85(2) of the Insurance Act as is attributable to the execution of this Act ;
- (c) any expenses attributable to section 12 of this Act.

Interpretation

17.—(1) A man and his wife shall not be deemed for the purposes of this Act to be living otherwise than together unless they are permanently living in separation either by agreement or under an order of a court, or one of them has deserted the other and the separation which is incident to the desertion has not come to an end.

Provisions as to certain special circumstances affecting the operation of s. 3.

(2) For the purposes of this Act, a child being legitimate issue of a deceased spouse of any person by an earlier marriage of the deceased spouse to another (including such a marriage which is void) shall be treated as issue of that person, and a child being illegitimate issue of a deceased spouse of any person shall be treated as issue of that person so far as regards any period during which the child is living with that person:

Provided that the foregoing provisions of this subsection shall not have effect in a case in which the marriage between the person in question and his or her deceased spouse was terminated otherwise than by the deceased spouse's death.

(3) Where a child born before the marriage of the child's parents has been legitimated by virtue of the subsequent marriage of the parents, the child shall, for the purposes of this Act, be deemed to be issue of the marriage.

(4) For the purposes of this Act, a child adopted under the Adoption of Children Act 1926, the Adoption of Children 1926 c. 29,

1930 c. 37.
 1950 c. 26.
 1958 c. 5.
 (7 & 8 Eliz. 2.)

(Scotland) Act 1930, the Adoption Act 1950 or the Adoption Act 1958 or in pursuance of an order authorising the child's adoption made in Northern Ireland, the Isle of Man or any of the Channel Islands shall be treated as if the child were legitimate issue of the adopter, or, if the child was adopted by two spouses jointly, or by one of two spouses after their marriage, as if the child were legitimate issue of their marriage, and shall not be treated as being issue of any other person.

(5) An illegitimate child shall not be treated for the purposes of this Act as being issue of the child's father.

(6) References in this Act to the parents, a parent, the father, or the mother of a child, or to an illegitimate child, shall be construed in accordance with the provisions of subsections (2) to (5) of this section.

(7) A child shall not be deemed for the purposes of this Act to have ceased to live with a person by reason of any temporary absence, and in particular by reason of absence at any school, and a person who has been contributing at any rate to the cost of providing for a child, or has been maintaining a child, shall not be treated as having ceased so to contribute, or to maintain the child, by reason of any temporary interruption or reduction of his contribution to the cost of providing for the child, and the question whether any such absence (other than at a school), interruption or reduction is or is not to be treated as temporary for the said purposes shall be determined by reference to such rules as may be prescribed.

(8) For the purposes of this Act, a person shall be deemed according to the law in England and Wales, as well as according to the law in Scotland, not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

(9) A marriage performed outside the United Kingdom under a law which permits polygamy shall be treated for any purpose of this Act as being and having at all times been a valid marriage if and so long as the authority by whom any question or claim arising in connection with that purpose falls to be determined is satisfied that the marriage has in fact at all times been monogamous.

Meaning of
 "providing
 for" a child.

18.—(1) In this Act the expression "providing for" a child means making available for the child food, clothing, lodging, education and all other things reasonably required for the child's benefit having regard to all the circumstances.

(2) For the purposes of this Act—

(a) the making available in kind of anything used for providing for a child shall be treated as a contribution to

the cost of providing for the child of an amount equal to the value thereof ;

- (b) money paid or a thing made available in kind shall be treated as contributed by any person so far, and so far only, as it is paid or made available at that person's own expense or out of property belonging to that person beneficially.

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

“ allowance ” means an allowance under this Act ;

“ apprentice ” means a person undergoing full-time training for any trade, business, profession, office, employment or vocation, and not in receipt of earnings exceeding two pounds a week (the weekly amount of a person's earnings being for this purpose calculated or estimated in such manner and on such basis as may be prescribed) ;

“ the Insurance Act ” means the National Insurance Act 1965 c. 51 1965 ;

“ issue ” means issue of the first generation ;

“ the Minister ” means the Minister of Pensions and National Insurance.

(2) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by any other enactment, including any enactment contained in this Act.

Application of Act

20.—(1) It shall be a condition of the right to any allowance for the family of a man and his wife living together that either—

- (a) the man is a British subject whose place of birth is in the United Kingdom, or, if not,
- (b) such requirements as to nationality, residence, place of birth or other matters as may be prescribed are satisfied as respects the man, or his wife, or either or both of them, according as may be provided by regulations ;

and the like condition shall apply in the case of the family of such a man as is mentioned in section 3(1)(b) of this Act subject to the limitation that requirements may be prescribed as respects the man only, and in the case of the family of such a woman as is mentioned in section 3(1)(c) of this Act with the substitution

for the reference to the man in paragraph (a) of this subsection of a reference to the woman and subject to the limitation that requirements may be prescribed as respects the woman only.

(2) It shall be a condition of the right to any allowance for the family of a man and his wife living together that each or one of them is in Great Britain, and the like condition shall apply in the case of the family of such a man as is mentioned in the said section 3(1)(b) as respects the man, and in the case of the family of such a woman as is mentioned in the said section 3(1)(c) as respects the woman.

(3) It shall be a condition of a child's being treated as a member of any family that the child is in Great Britain.

(4) For the purposes of subsections (2) and (3) of this section the temporary presence of a person in Great Britain or the temporary absence of a person therefrom shall be disregarded, and the question whether the presence or absence of a person is or is not to be treated as temporary for the said purposes shall be determined by reference to such rules as may be prescribed.

(5) Sums to be paid on account of allowances shall be payable only in Great Britain.

Reciprocal
arrangements
with Northern
Ireland.

21.—(1) The Minister may, with the consent of the Treasury, make reciprocal arrangements with the authority administering any scheme of family allowances which is in force by virtue of legislation passed by the Parliament of Northern Ireland and which appears to the Minister to be a scheme substantially corresponding to that contained in this Act, being arrangements as respects the conditions mentioned in section 20 of this Act on the one hand and any conditions limiting the extent of the Northern Irish scheme on the other hand.

(2) Any such arrangements may include provision for the modification or adaptation of the respective schemes in relation to or in connection with persons affected by the arrangements, and regulations made under this Act may provide for such modification or adaptation of the provisions of this Act as may appear to the Minister to be requisite for giving effect to the arrangements or in consequence thereof, and for any necessary financial adjustments.

Reciprocal
agreements
with countries
outside United
Kingdom.

22.—(1) The provision of section 105 of the Insurance Act (which provides that, for the purpose of giving effect to any agreement with the government of any country outside the United Kingdom providing for reciprocity in matters such as are specified in subsection (1) of that section, Her Majesty

may by Order in Council make provision for modifying or adapting that Act in its application to cases affected by the agreement) and of section 106 (other than subsections (1) and (5)) and section 109 of that Act (which make general provision as to such Orders in Council) shall have effect as if—

- (a) the matters specified as aforesaid included matters relating to payments for purposes similar or comparable to the purposes of this Act ;
- (b) any reference in those provisions to the Insurance Act included a reference to this Act ; and
- (c) in relation to matters relating to such payments as aforesaid, there were omitted from the said section 105(2)(d) the words “ by payments into or out of the National Insurance Fund ”.

(2) Any regulations made before 5th July 1956 under section 25 of the Family Allowances Act 1945 and remaining in force immediately before the commencement of this Act, being regulations to give effect to reciprocal arrangements made under that section with an authority in a country outside the United Kingdom, shall continue in force until those arrangements are rescinded or until those regulations are revoked by an Order in Council by virtue of subsection (1) of this section. 1945 c. 41.

General

23.—(1) Any instrument in force immediately before the commencement of this Act and made under or by virtue of any enactment repealed by the Consequential Repeals Act but re-enacted in this Act, and any appointment, claim or award made or other thing whatsoever done under or by virtue of any such enactment, shall be deemed to have been made or done under or by virtue of the corresponding provision of this Act ; and anything begun under or by virtue of any such enactment may be continued under or by virtue of this Act as if begun under or by virtue of this Act. General savings, etc.

(2) So much of any document as refers expressly or by implication to any enactment repealed and re-enacted as aforesaid or to the Act containing that enactment shall, if and so far as the context permits, be construed as referring to the corresponding provision of this Act or, as the case may be, to this Act.

(3) Any regulations in force immediately before the commencement of this Act under section 1(5) of the Family Allowances and National Insurance Act 1959 (which relates to transitional provisions in connection with the change in the method of determination of questions with respect to rights to allowances effected by section 1 of that Act) shall, notwithstanding that the said section 1(5) is repealed and not re-enacted as aforesaid, continue in force in like manner, subject 1959 c. 18.

to the like power of revocation or variation, as if the said section 1(5) had been so re-enacted.

1889 c. 63.

(4) In relation to any enactment repealed and re-enacted as aforesaid, section 38(1) of the Interpretation Act 1889 shall have effect as if the Consequential Repeals Act formed part of this Act; and nothing in subsections (1) and (2) of this section shall be taken as affecting the general application of the said section 38 as modified by this subsection with regard to the effect of repeals.

1965. c. 55.

(5) In this section, "the Consequential Repeals Act" means the Statute Law Revision (Consequential Repeals) Act 1965.

Powers of
Parliament of
Northern
Ireland.
1920 c. 67.

24. Notwithstanding anything in the Government of Ireland Act 1920, the Parliament of Northern Ireland shall have power, in connection with any scheme of family allowances established by any enactment of that Parliament, to make laws for purposes similar to the purposes of section 20, 21 or 22 of this Act and shall continue to have power to make laws for purposes similar to those of section 25 of the Family Allowances Act 1945 as originally enacted.

1945 c. 41.

Short title,
extent and
commence-
ment.

25.—(1) This Act may be cited as the Family Allowances Act 1965.

(2) This Act except sections 23 and 24 thereof shall not extend to Northern Ireland.

1965 c. 51.

(3) This Act shall come into force on the same day as the National Insurance Act 1965.

SCHEDULE

Section 3.

SUPPLEMENTARY PROVISIONS AS TO FAMILY
*Circumstances in which a person is to be treated as
maintaining a child*

1.—(1) A person shall be treated for the purposes of this Act as maintaining a child—

- (a) if that person is the only person who contributes to the cost of providing for the child, or if that person contributes to the said cost an amount greater than any other one person contributes thereto ; or
- (b) if two or more persons of whom that person is one each of them contribute to the said cost an equal amount that is greater than any other one person contributes thereto, and it is agreed between the said two or more persons, or in default of agreement the Minister in his discretion decides, that, as between them, that person is to be preferred,

and not otherwise :

Provided that a person who under the foregoing provisions would be treated as maintaining a child shall not be so treated if his contribution to the cost of providing for the child is at a rate less than eight shillings a week, unless the child is living with him.

(2) For the purposes of this paragraph, a man and his wife living together shall be treated as one person and amounts contributed by them respectively shall be aggregated accordingly, and references to a person shall be construed as references to such persons as are mentioned in paragraphs (a), (b) and (c) respectively of section 3(1) of this Act, that is to say, a man and his wife living together, such a man as is mentioned in the said paragraph (b) and such a woman as is mentioned in the said paragraph (c).

Determination of the family in which a child capable of being treated as included in more than one family is to be included

2. Where a child could otherwise be treated under section 3 of this Act as included at the same time in one family as being issue of his parents or either of them, and in another family as being maintained by a person other than his parents or either of them, the child shall be treated as then included in that family only in which he can be treated as included as being issue of the parents or parent.

3. Where a child could otherwise be treated under section 3 of this Act as included at the same time in one family on the ground of the child's being issue of his father, and in another family on the ground of the child's being issue of his mother, the child shall be treated as then included in such one of those families to the exclusion of the other as may be agreed between the father and the mother, or in default of agreement as the Minister may in his discretion decide.

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National Health Service Contributions Act 1965

1965 CHAPTER 54

An Act to consolidate the National Health Service Contributions Acts 1957 and 1961 and certain related enactments. [5th August 1965]

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

1.—(1) Every person who, either as an insured person or as an employer, pays, or is liable to pay, contributions under section 3 of the Insurance Act shall also be liable, in accordance with the following provisions of this section, to pay contributions by virtue of this Act, which shall be known as national health service contributions.

Contributions
to national
health
service.

(2) Every person who, in respect of any contribution week, pays, or is liable to pay, a contribution under the said section 3 as a person of a description specified in the first column of the Schedule to this Act, otherwise than in paragraph 4 of that Schedule, shall, in respect of that week, be liable to pay a national health service contribution at the rate specified in relation to that description in the second column of that Schedule.

(3) Subject to the provisions of this Act, every person who, in respect of any contribution week, is liable to pay an employer's contribution under the said section 3 in respect of any person shall, in respect of that week, be liable to pay in respect of that person a national health service contribution at the rate specified in the second column of paragraph 4 of the Schedule to this Act.

(4) National health service contributions shall be paid to the Minister of Pensions and National Insurance, but, as between that Minister and the Minister of Health and the Secretary of State, shall, subject to the following provisions of this Act, be taken to be so paid for the benefit of the Minister of Health, towards the cost of the national health service in England and Wales, and of the Secretary of State, towards the cost of the national health service in Scotland, in such shares as the Treasury may determine.

1946 c. 81. (5) All sums received by virtue of this Act by the Minister of Health shall be treated as sums received by him under the National Health Service Act 1946 otherwise than as sums required to be transferred to the Hospital Endowments Fund; and all sums received by virtue of this Act by the Secretary of State shall be treated as sums received by him under the National Health Service (Scotland) Act 1947.

Collection,
etc., of
national
health service
contributions.

2.—(1) Subject to the provisions of this section, the provisions of the Insurance Act, including section 15(2)(a) thereof (which relates to the combination of the payment and collection of contributions with that of income tax), shall have effect (for the purposes of that Act as well as for the purposes of this Act)—

- (a) in relation to a person who is liable as an insured person to pay a national health service contribution for a contribution week, as if that contribution and the contribution paid or payable by him for that week under section 3 of the Insurance Act together constituted one combined contribution payable by him under that Act for that week; and
- (b) in relation to a person who is liable as an employer to pay a national health service contribution in respect of a person for a contribution week, as if that contribution and the contribution payable by him for that week under the said section 3 in respect of that person together constituted one combined contribution payable by him under that Act in respect of that person for that week,

and (in either case) as if the whole of the combined contribution in question were payable into the National Insurance Fund.

(2) Except in so far as may be otherwise provided by any Order in Council or regulations made under the Insurance Act after the date of commencement of this Act, the foregoing subsection shall apply in relation to Orders in Council and regulations made or having effect as if made under that Act, whether made before or after that date, as if they were provisions of that Act.

(3) There shall be excluded from the provisions of the Insurance Act which are to have effect as mentioned in subsection (1) of this section the following, namely—

- (a) section 7 (which relates to Exchequer supplements to contributions);
- (b) section 58 (which relates to payments in lieu of contributions); and
- (c) section 83(1) (which provides that contributions shall be paid into the National Insurance Fund);

and nothing in subsection (1) or (2) of this section shall be construed—

- (i) as affecting the rate of any contribution under the said section 3; or
- (ii) as excepting any person who pays, or is liable to pay, contributions under the Insurance Act, or as conferring any power to except any such person, from liability to pay national health service contributions; or
- (iii) as conferring any power to modify the rates of national health service contributions in relation to any class of persons.

(4) References in any enactment other than the Insurance Act and the enactments relating to income tax to contributions under that Act or to sums due to or payable into the National Insurance Fund shall be construed as including references to national health service contributions.

(5) Notwithstanding anything in the foregoing provisions of this section, where a person has paid in error—

- (a) contributions under the Insurance Act, and
- (b) national health service contributions,

and he or any other person has received any benefit under that Act which, under any provision of that Act or of regulations made thereunder, may be deducted from any repayment of the contributions paid in error under that Act, nothing in that Act or those regulations shall be construed as authorising that benefit to be deducted from any repayment of the national health service contributions paid in error.

(6) This Act binds the Crown, and accordingly section 98 of the Insurance Act (which relates to persons employed by or under the Crown) and section 99 of that Act (which relates to members of Her Majesty's forces), and any Order in Council or regulations made under either of those sections, shall have effect in accordance with the foregoing provisions of this section.

(7) The Treasury may, by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make regulations specifying a class of masters or members of the crews of foreign-going ships (as defined by the regulations) and either—

- (a) excepting employers from liability to pay national health service contributions in respect of persons of that class ; or
- (b) reducing, to such extent as may be specified in the regulations, the rates of national health service contributions payable by employers in respect of persons of that class ;

and different provision may be made by regulations under this subsection in respect of different classes of persons.

Application
of national
health service
contributions.

3.—(1) The Minister of Pensions and National Insurance shall, out of the moneys received by him on account of national health service contributions, retain such sums as the Treasury may from time to time determine in respect of any expenses incurred by him or any other government department (except the Postmaster General) which are attributable to the collection and application of those contributions ; and all sums so retained by him shall be paid into the Exchequer.

(2) In estimating the expenses referred to in subsection (1) of this section, there shall be included—

- (a) any amounts in respect of the accruing liability for pension benefits or in respect of the use of premises belonging to the Crown which, under subsection (5) of section 85 of the Insurance Act, fall to be included in estimating for the purposes of subsection (4) of that section the expenses referred to in subsection (1) thereof ; and
- (b) an amount equal to such part of the sums referred to in subsection (2) of the said section 85 as is attributable to the execution of the Insurance Act,

in so far as those amounts are determined by the Treasury to be attributable to the collection and application of national health service contributions ; and for the purposes of the said section 85(2), work done by the Postmaster General in the execution of section 2 of this Act shall be treated as done in the execution of the Insurance Act.

(3) The Minister of Pensions and National Insurance shall account to the Minister of Health and the Secretary of State for such sums as the Minister of Pensions and National Insurance may from time to time estimate, in such manner as the Treasury may direct, to represent the shares of national health service contributions apportioned to them respectively in accordance with section 1(4) of this Act, subject to the deduction

from each of those shares of the proportion attributable thereto of the sums retained by the Minister of Pensions and National Insurance under subsection (1) of this section ; and the Minister of Pensions and National Insurance shall pay to the Minister of Health and the Secretary of State, at such times as the Treasury may direct, the sums for which he is required to account to them in accordance with this subsection.

4. Any expenses incurred by the Minister of Pensions and National Insurance and any other government department (except the Postmaster General) in carrying this Act into effect, including— Expenses.

- (a) an amount equal to any sums retained by the said Minister under section 3(1) of this Act by virtue of subsection (2)(b) of that section ; and
- (b) any expenses incurred in carrying into effect section 15 of the Insurance Act so far as estimated by the said Minister to be attributable to the collection by virtue of section 2(1) of this Act of national health service contributions,

shall be defrayed out of moneys provided by Parliament.

5.—(1) Where in accordance with the provisions of—

- (a) section 104 of the Insurance Act (which relates to reciprocal arrangements with Northern Ireland) or any regulations having effect under that section ; or
- (b) any such agreement as is mentioned in section 105 of the Insurance Act (which relates to reciprocal agreements with countries outside the United Kingdom), being an agreement relating to the Isle of Man, or any Order in Council made for the purpose of giving effect to such an agreement,

Financial adjustments with Northern Ireland and Isle of Man.

financial adjustments are made in respect of any class of persons to which this subsection applies as being persons who pay contributions under the Insurance Act but who are to be treated as belonging to Northern Ireland or the Isle of Man, as the case may be, the Minister of Health shall out of moneys provided by Parliament pay to the appropriate authority or fund such sums as may be attributable to national health service contributions in respect of that class of persons.

(2) The foregoing subsection applies to the following classes of persons, that is to say—

- (a) members of any of Her Majesty's forces ;
- (b) masters and members of the crews of foreign-going ships as defined for the time being by regulations made under the Insurance Act as mentioned in section 100 of that Act ;

- (c) any class of persons constituting a part of the class specified in either of the foregoing paragraphs.

(3) For the purposes of subsection (1) of this section, the sums attributable to national health service contributions in respect of any class of persons shall be taken to be such sums as may from time to time be estimated, in such manner as the Treasury may direct, to represent the amounts received by the Minister of Pensions and National Insurance on account of national health service contributions paid by or in respect of persons of that class, reduced by so much of the expenses and amounts in respect of which sums are required to be retained under section 3(1) and (2) of this Act as is attributable to the collection and application of those contributions.

(4) In this section the expression "the appropriate authority or fund"—

- (a) where the financial adjustments in question relate to Northern Ireland, means the Exchequer of Northern Ireland ;
- (b) where the financial adjustments in question relate to the Isle of Man, means such authority or fund as may be designated by the Lieutenant-Governor or Deputy Lieutenant-Governor of the Isle of Man.

Corresponding
legislation
in Northern
Ireland.

6.—(1) Subject to subsection (2) of this section, no limitation or restriction imposed by virtue of any enactment on the powers of the Parliament of Northern Ireland shall preclude that Parliament from passing legislation for purposes similar to the purposes of any of the provisions of this Act.

(2) Nothing in this section shall authorise the Parliament of Northern Ireland to require any contribution to be paid by or in respect of any person in respect of his service or employment as a member of any of Her Majesty's forces.

Interpretation.

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

"contribution week", "employer" and "insured person", and any expression used in the Schedule to this Act which is also used in the Insurance Act, have the same meanings respectively as in the Insurance Act ;

"Her Majesty's forces" includes any such organisation as is mentioned in section 99(4) of the Insurance Act (which relates to certain organisations under the control of the Defence Council) ;

"the Insurance Act" means the National Insurance Act 1965, and, except where the context otherwise requires,

includes any other Act passed after this Act which may be cited together with the Insurance Act in a citation which uses the phrase "the National Insurance Acts."

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

8.—(1) Any instrument in force immediately before the commencement of this Act and made under or by virtue of any enactment repealed by the Statute Law Revision (Consequential Repeals) Act 1965 but re-enacted in this Act, and any other thing done under or by virtue of any such enactment, shall be deemed to have been made or done under or by virtue of the corresponding provision of this Act; and anything begun under or by virtue of any such enactment may be continued under or by virtue of this Act as if begun under or by virtue of this Act. General savings, etc. 1965 c. 55.

(2) So much of any document as refers expressly or by implication to any enactment repealed and re-enacted as aforesaid or to the Act containing that enactment shall, if and so far as the context permits, be construed as referring to the corresponding provision of this Act, or, as the case may be, to this Act.

(3) In relation to any enactment repealed and re-enacted as aforesaid, section 38(1) of the Interpretation Act 1889 shall have effect as if the said Act of 1965 formed part of this Act; and nothing in subsections (1) and (2) of this section shall be taken as affecting the general application of the said section 38 as modified by this subsection with regard to the effect of repeals. 1889 c. 63.

9.—(1) This Act may be cited as the National Health Service Contributions Act 1965. Short title, extent and commencement.

(2) Without prejudice to the operation in relation to any matters arising out of this Act of sections 104, 111 and 117 of the Insurance Act, this Act except sections 6, 7 and 8 thereof shall not extend to Northern Ireland.

(3) This Act shall come into force on the same day as the National Insurance Act 1965. 1965 c. 51.

Section 1.

SCHEDULE

RATES OF NATIONAL HEALTH SERVICE CONTRIBUTIONS

<i>Description of persons</i>	<i>Weekly rate of contribution</i>	
	s.	d.
1. Employed men between the ages of 18 and 70, other than men over the age of 65 who have retired from regular employment	2	8½
2. Employed women between the ages of 18 and 65, other than women over the age of 60 who have retired from regular employment	2	0½
3. Employed boys and girls under the age of 18 ...	1	4½
4. Employers		7½
5. Self-employed men between the ages of 18 and 70, other than men over the age of 65 who have retired from regular employment	2	10
6. Self-employed women between the ages of 18 and 65, other than women over the age of 60 who have retired from regular employment	2	2
7. Self-employed boys and girls under the age of 18 ...	1	6
8. Non-employed men between the ages of 18 and 65	2	10
9. Non-employed women between the ages of 18 and 60	2	2
10. Non-employed boys and girls under the age of 18 ...	1	6



Statute Law Revision (Consequential Repeals) Act 1965

1965 CHAPTER 55

An Act to repeal certain enactments in consequence of the coming into force of the National Insurance Act 1965, the National Insurance (Industrial Injuries) Act 1965, the Family Allowances Act 1965 and the National Health Service Contributions Act 1965.

[5th August 1965]

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

1.—(1) The enactments described in the Schedule to this Act **Repeals and** are hereby repealed to the extent respectively specified in the **saving.** third column of that Schedule in consequence of the coming into force of the following consolidation Acts, namely, the National Insurance Act 1965, the National Insurance (Industrial Injuries) Act 1965, the Family Allowances Act 1965 and the National Health Service Contributions Act 1965. 1965 c. 51.
1965 c. 52.
1965 c. 53.
1965 c. 54.

(2) The repeal by this Act of any provision of any Act shall not affect the application of that provision to any other provision of that Act which is not repealed by this Act.

2.—(1) This Act may be cited as the Statute Law Revision **Short title, extent and commencement.** (Consequential Repeals) Act 1965.

(2) This Act shall extend to Northern Ireland so far as it repeals any enactment which so extends.

(3) This Act shall come into force on the same day as the National Insurance Act 1965.

Section 1.

SCHEDULE

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 6. c. 41.	The Family Allowances Act 1945.	The whole Act.
9 & 10 Geo. 6. c. 62.	The National Insurance (Industrial Injuries) Act 1946.	The whole Act except sections 6, 71, 89 and 90 and Schedule 9. In section 90, paragraphs (a) to (h).
9 & 10 Geo. 6. c. 67.	The National Insurance Act 1946.	The whole Act except sections 6(4), 55, 68, 70, 74 and 79 and Schedule 11. Section 70 so far as it applies to Great Britain. In section 79, paragraphs (a) to (i) and (k). Section 54(6).
10 & 11 Geo. 6. c. 54.	The Electricity Act 1947.	Section 54(6).
11 & 12 Geo. 6. c. 42.	The National Insurance (Industrial Injuries) Act 1948.	The whole Act.
11 & 12 Geo. 6. c. 43.	The Children Act 1948.	Section 52.
11 & 12 Geo. 6. c. 67.	The Gas Act 1948.	Section 58(6).
12, 13 & 14 Geo. 6. c. 39.	The Commonwealth Telegraphs Act 1949.	Section 6(6).
12, 13 & 14 Geo. 6. c. 56.	The National Insurance Act 1949.	The whole Act.
14 & 15 Geo. 6. c. 11.	The Administration of Justice (Pensions) Act 1950.	Section 1 so far as it relates to the National Insurance Commissioner and the Industrial Injuries Commissioner and their respective deputy Commissioners. In Schedule 2, the amendments to the National Insurance (Industrial Injuries) Act 1946 and the National Insurance Act 1946.
14 & 15 Geo. 6. c. 34.	The National Insurance Act 1951.	The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 29.	The Family Allowances and National Insurance Act 1952.	The whole Act.
1 & 2 Eliz. 2. c. 29.	The National Insurance Act 1953.	The whole Act.
1 & 2 Eliz. 2. c. 43.	The National Insurance (Industrial Injuries) Act 1953.	The whole Act.
3 & 4 Eliz. 2. c. 29.	The National Insurance Act 1955.	The whole Act.
4 & 5 Eliz. 2. c. 19.	The Friendly Societies Act 1955.	Section 9(2) from "and shall" onwards.
4 & 5 Eliz. 2. c. 47.	The National Insurance Act 1956.	The whole Act.

Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 50.	The Family Allowances and National Insurance Act 1956.	The whole Act except section 5. Section 5(3)(b).
4 & 5 Eliz. 2. c. 53.	The Teachers (Superannuation) Act 1956.	Section 24.
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, and in the Part substituted therefor by Schedule 3, the entry "The Panel of Referees constituted for the purposes of section five of the Family Allowances Act 1945".
5 & 6 Eliz. 2. c. 26.	The National Insurance Act 1957.	The whole Act except section 7(2) and paragraphs 2 and 3 of the Schedule.
5 & 6 Eliz. 2. c. 29.	The Magistrates' Court Act 1957.	Section 1(4).
5 & 6 Eliz. 2. c. 34.	The National Health Service Contributions Act 1957.	The whole Act.
6 & 7 Eliz. 2. c. 1.	The National Insurance (No. 2) Act 1957.	The whole Act except sections 3, 4(2) and 8. In section 8(2), paragraphs (a) and (b) and the words from "and without" onwards. In section 8(3), the words from "in the Industrial" to "1946, or".
7 & 8 Eliz. 2. c. 5.	The Adoption Act 1958.	Section 36(2)(b).
7 & 8 Eliz. 2. c. 18.	The Family Allowances and National Insurance Act 1959.	The whole Act.
7 & 8 Eliz. 2. c. 47.	The National Insurance Act 1959.	The whole Act.
8 & 9 Eliz. 2. c. 44.	The Finance Act 1960.	Section 62.
9 & 10 Eliz. 2. c. 5.	The National Insurance Act 1960.	The whole Act.
9 & 10 Eliz. 2. c. 13.	The National Health Service Contributions Act 1961.	The whole Act.
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	Section 19(2). In the Schedule, the entries relating to the Family Allowances Act 1945, the National Insurance (Industrial Injuries) Act 1946 and the National Insurance Act 1946.
9 & 10 Eliz. 2. c. 36.	The Finance Act 1961.	Section 30. In Schedule 3, in paragraph 1 the words "or section thirty" and in paragraph 2(1) the words "and thirty". Schedule 5.

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	In Schedule 4, the amendment to the Family Allowances Act 1945.
10 & 11 Eliz. 2. c. 6.	The Family Allowances and National Insurance Act 1961.	The whole Act except sections 1, 3(4) and 14(5) and Schedule 1. In section 3(4), the words from "by section eighty-two" to "1953), or" and the words "regulations or". In section 14(5), the words "of the Acts referred to in subsection (2) above or", the word "other" and the words from "except" onwards.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	Section 74(9) from the beginning to "but".
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	Section 105(8).
1963 c. 7 ...	The National Insurance Act 1963.	The whole Act except section 5.
1963 c. 37 ...	The Children and Young Persons Act 1963.	In Schedule 3, paragraph 37.
1963 c. 39 ...	The Criminal Justice (Scotland) Act 1963.	In Schedule 5, the amendment to the Family Allowances Act 1945.
1964 c. 10 ...	The Family Allowances and National Insurance Act 1964.	The whole Act except section 3(1) and (2).
1964 c. 29 ...	The Continental Shelf Act 1964.	Section 10.
1964 c. 96 ...	The National Insurance &c. Act 1964.	The whole Act except section 3 and paragraph 18 of Schedule 5.



Compulsory Purchase Act 1965

1965 CHAPTER 56

An Act to consolidate the Lands Clauses Acts as applied by Part I of Schedule 2 to the Acquisition of Land (Authorisation Procedure) Act 1946, and by certain other enactments, and to repeal certain provisions in the Lands Clauses Acts and related enactments which have ceased to have any effect.

[5th August 1965]

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

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COMPULSORY PURCHASE UNDER ACQUISITION OF LAND ACT OF 1946

Preliminary

1.—(1) This Part of this Act shall apply in relation to any compulsory purchase to which the provisions of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (in this Act referred to as “the Act of 1946”) apply. Application of Part I and interpretation. 1946 c. 49.

(2) In construing this Part of this Act the enactment under which the purchase is authorised and the compulsory purchase order under the Act of 1946 shall be deemed to be the special Act.

(3) In this Part of this Act, unless the context otherwise requires,—

“acquiring authority” means the person authorised by the compulsory purchase order under the Act of 1946 to purchase the land ;

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“land” includes anything falling within any definition of that expression in the enactment under which the purchase is authorised;

“lease” includes an agreement for a lease;

“notice to treat” has the meaning given by section 5 of this Act;

“subject to compulsory purchase”, in relation to land, means land the compulsory purchase of which is authorised by the compulsory purchase order.

(4) In this Part of this Act “the works” or “the undertaking” means the works or undertaking, of whatever nature, authorised to be executed by the special Act:

1962 c. 38.

Provided that where this Part of this Act applies by virtue of Part V of the Town and Country Planning Act 1962 references in this Part of this Act to the execution of the works shall be construed in accordance with section 86(6) of that Act.

(5) A justice of the peace may act under this Act in relation to land which is partly in one area, and partly in another, if he may act as respects land in either area, but no justice of the peace shall act under this Act if he is interested in the matter.

(6) Where under this Act any notice is to be given to the owner of any land or where any act is authorised or required to be done with the consent of any such owner, the word “owner” shall, unless the context otherwise requires, mean any person having power to sell and convey the land to the acquiring authority.

Persons without power to sell their interests.

2. Schedule 1 to this Act (which gives owners power to sell to the acquiring authority) shall have effect for the purposes of this Act.

Acquisition by agreement in pursuance of compulsory purchase order.

3. It shall be lawful for the acquiring authority to agree with the owners of any of the land subject to compulsory purchase, and with all parties having an estate or interest in any of the land, or who are by Schedule 1 to this Act or any other enactment enabled to sell and convey or release any of that land, for the absolute purchase, for a consideration in money, of any of that land, and of all estates and interests in the land.

Compulsory purchase

Time limit.

4. The powers of the acquiring authority for the compulsory purchase of the land shall not be exercised after the expiration of three years from the date on which the compulsory purchase order becomes operative.

5.—(1) When the acquiring authority require to purchase any of the land subject to compulsory purchase, they shall give notice (hereafter in this Act referred to as a “notice to treat”) to all the persons interested in, or having power to sell and convey or release, the land, so far as known to the acquiring authority after making diligent inquiry.

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Notice to treat, and untraced owners.

(2) Every notice to treat—

- (a) shall give particulars of the land to which the notice relates,
- (b) shall demand particulars of the recipient’s estate and interest in the land, and of the claim made by him in respect of the land, and
- (c) shall state that the acquiring authority are willing to treat for the purchase of the land, and as to the compensation to be made for the damage which may be sustained by reason of the execution of the works.

(3) Schedule 2 to this Act (which relates to absent or untraced owners) shall have effect for the purposes of this Act.

6. If a person served with a notice to treat does not within twenty-one days from the service of the notice state the particulars of his claim or treat with the acquiring authority in respect of his claim, or if he and the acquiring authority do not agree as to the amount of compensation to be paid by the acquiring authority for the interest belonging to him, or which he has power to sell, or for any damage which may be sustained by him by reason of the execution of the works, the question of disputed compensation shall be referred to the Lands Tribunal.

Reference to Lands Tribunal.

7. In assessing the compensation to be paid by the acquiring authority under this Act regard shall be had not only to the value of the land to be purchased by the acquiring authority; but also to the damage, if any, to be sustained by the owner of the land by reason of the severing of the land purchased from the other land of the owner, or otherwise injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.

Measure of compensation in case of severance.

8.—(1) No person shall be required to sell a part only—

- (a) of any house, building or manufactory, or
- (b) of a park or garden belonging to a house,

if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the Lands Tribunal determines that—

Other provisions as to divided land.

- (i) in the case of a house, building or manufactory the part proposed to be acquired can be taken without material detriment to the house, building or manufactory, or

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- (ii) in the case of a park or garden, the part proposed to be acquired can be taken without seriously affecting the amenity or convenience of the house,

and, if the Lands Tribunal so determine, the Lands Tribunal shall award compensation in respect of any loss due to the severance of the part proposed to be acquired, in addition to its value; and thereupon the party interested shall be required to sell to the acquiring authority that part of the house, building, manufactory, park or garden.

(2) If any land which is not situated in a town or built upon is cut through and divided by the works so as to leave, either on both sides of the works, or on one side, a quantity of land which is less than half an acre, the owner of the land may require the acquiring authority to purchase the land along with the land subject to compulsory purchase:

Provided that this subsection shall not apply if the owner has other land adjoining the land so left into which it can be thrown so as to be conveniently occupied with it, and in that case the acquiring authority shall, if so required by the owner, at their own expense throw the piece of land so left into the adjoining land by removing the fences and levelling the sites thereof, and by soiling it in a satisfactory and workmanlike manner.

(3) If the owner of any land cut through and divided by the works requires the acquiring authority under the provisions of the special Act to make any bridge, culvert or other communication between the land so divided, and—

- (a) the land is so cut through and divided as to leave, either on both sides or on one side, a quantity of land which is less than half an acre, or which is of less value than the expense of making the communication between the divided land, and
- (b) the owner has not other land adjoining that piece of land,

the acquiring authority may require the owner to sell them the piece of land.

Any dispute as to the value of the piece of land, or as to the expense of making a communication between the divided land shall be determined by the Lands Tribunal, and either party to proceedings for determining the compensation to be paid for the land acquired may require the Lands Tribunal to make their determination under this subsection in those proceedings.

Deposit of compensation and execution of deed poll

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9.—(1) If the owner of any of the land purchased by the acquiring authority, or of any interest in the land so purchased, on tender of the compensation agreed or awarded to be paid in respect of the land or interest refuses to accept it, or neglects or fails to make out a title to the land or interest to the satisfaction of the acquiring authority, or refuses to convey or release the land as directed by the acquiring authority, it shall be lawful for the acquiring authority to pay into court the compensation payable in respect of the land or interest.

Refusal to convey, failure to make title, etc.

(2) The compensation so paid into court shall, subject to the provisions of this Act, be placed to the credit of the parties interested in the land and the acquiring authority shall, so far as they can, give their descriptions.

(3) When the acquiring authority have paid into court the compensation, it shall be lawful for them to execute a deed poll containing a description of the land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.

(4) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the acquiring authority and as against those persons the acquiring authority shall be entitled to immediate possession of the land.

(5) On the application of any person claiming all or any part of the money paid into court, or claiming all or any part of the land in respect of which it was paid into court, or any interest in it, the High Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is distributed, it is dealt with under section 6 of the Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the Court thinks fit.

1965 c. 2.

(6) Before Schedule 1 to the Administration of Justice Act 1965 comes into force, orders of the High Court under the last foregoing subsection may include an order for the money to be invested in accordance with rules of court and an order for payment of the dividends on the money.

Further provision as to compensation for injurious affection

10.—(1) If any person claims compensation in respect of any land, or any interest in land, which has been taken for or injuriously affected by the execution of the works, and for which the acquiring authority have not made satisfaction under the

Further provision as to compensation for injurious affection.

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provisions of this Act, or of the special Act, any dispute arising in relation to the compensation shall be referred to and determined by the Lands Tribunal.

1845 c. 18.

(2) This section shall be construed as affording in all cases a right to compensation for injurious affection to land which is the same as the right which section 68 of the Lands Clauses Consolidation Act 1845 has been construed as affording in cases where the amount claimed exceeds fifty pounds.

1962 c. 38.

(3) Where this Part of this Act applies by virtue of Part V of the Town and Country Planning Act 1962 references in this section to the acquiring authority shall be construed in accordance with section 86(6)(b) of that Act.

Entry on the land

Powers of entry.

1961 c. 33.

11.—(1) If the acquiring authority have served notice to treat in respect of any of the land and have served on the owner, lessee and occupier of that land not less than fourteen days notice, the acquiring authority may enter on and take possession of that land, or of such part of that land as is specified in the notice ; and then any compensation agreed or awarded for the land of which possession is taken shall carry interest at the rate prescribed under section 32 of the Land Compensation Act 1961 from the time of entry until the compensation is paid, or is paid into court in accordance with this Act.

Where under this subsection a notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in paragraph 3 of Schedule 1 to the Act of 1946, a like notice shall be served on the Church Commissioners.

In this subsection “owner” has the meaning given by section 8(1) of the Act of 1946.

(2) The acquiring authority may also enter on and take possession of any of the land by following the procedure in Schedule 3 to this Act.

1957 c. 56.

Where this Part of this Act applies by virtue of Part V or Part II of the Housing Act 1957, this subsection has effect subject to section 98 and Schedule 1, paragraph 3, of that Act.

(3) For the purpose of surveying and taking levels of any of the land subject to compulsory purchase, of probing or boring to ascertain the nature of the soil and of setting out the line of the works, the acquiring authority, after giving not less than three nor more than fourteen days' notice to the owners or occupiers of that land, may enter on that land, but the acquiring authority shall make compensation for any damage thereby occasioned to the owners or occupiers of the land,

and any question of disputed compensation under this subsection shall be referred to the Lands Tribunal.

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(4) Except as provided by the foregoing provisions of this section, the acquiring authority shall not, except with the consent of the owners and occupiers, enter on any of the land subject to compulsory purchase until the compensation payable for the respective interests in that land has been agreed or awarded, and has been paid to the persons having those interests or has been paid into court in accordance with this Act.

12.—(1) If the acquiring authority, or any of their contractors, **Unauthorised** willfully enter on and take possession of any of the land **entry.** subject to compulsory purchase in contravention of subsection (4) of the last foregoing section, the acquiring authority shall forfeit to the person in possession of that land the sum of ten pounds in addition to the amount of any damage done to the land by entering and taking possession.

(2) The said sum of ten pounds, and the amount of any such damage, shall be recoverable summarily as a civil debt.

(3) An appeal shall lie to a court of quarter sessions against an order of a magistrates' court adjudging a sum to be forfeited under the foregoing provisions of this section.

(4) If, after a sum has been adjudged to be forfeited under this section, the acquiring authority, or their contractors, remain in unlawful possession of any of the land the acquiring authority shall be liable to forfeit the sum of twenty-five pounds for every day on which they so remain in possession.

(5) A sum forfeited under the last foregoing subsection shall be recoverable by the person in possession of that land in the High Court, and in any such proceedings the decision of the magistrates' court shall not be conclusive as to the acquiring authority's right of entry.

(6) This section shall not subject the acquiring authority to the payment of a penalty if they have in good faith and without collusion paid the compensation agreed or awarded in respect of the land to a person whom they reasonably believed to be entitled to the compensation, or have paid it into court for the benefit of the person entitled to the land, or have paid it into court under Schedule 3 to this Act by way of security, although such person may not have been legally entitled thereto.

13.—(1) If the acquiring authority are under this Act **Refusal** authorised to enter on and take possession of any land, and **to give** the owner or occupier of any of that land, or any other **possession** person, refuses to give up possession of it, or hinders the acquir- **to acquiring** authority.

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ing authority from entering on or taking possession of it, the acquiring authority may issue their warrant to the sheriff to deliver possession of it to the person appointed in the warrant to receive it.

(2) On receipt of the warrant the sheriff shall deliver possession of any such land accordingly.

(3) The costs accruing by reason of the issue and execution of the warrant, to be settled by the sheriff, shall be paid by the person refusing to give possession, and the amount of those costs shall be deducted and retained by the acquiring authority from the compensation, if any, payable by them to that person.

(4) If no compensation is payable to the person refusing to give possession, or if it is less than the amount of the costs, that amount or the amount by which the costs exceed the compensation, if not paid on demand, shall be levied by distress, and on application to any justice of the peace for that purpose he shall issue his warrant accordingly.

(5) The said amount shall be levied by distress and sale of the goods and chattels of the person liable to pay that amount, and any surplus arising from the sale, after satisfying the amount due, and the expenses of the distress and sale, shall be returned, on demand, to the person whose goods or chattels have been distrained.

(6) In this section "sheriff" includes an under sheriff or other legally competent deputy, and means the sheriff for the area where the land is situated, or if land in one ownership is not situated wholly in one such area the sheriff for the area where any part of the land is situated.

Acquisition of special interests

Mortgages.

14.—(1) The acquiring authority may purchase or redeem the interest of the mortgagee of any of the land subject to compulsory purchase in accordance with either of the two following subsections.

(2) The acquiring authority may pay or tender to the mortgagee the principal and interest due on the mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon the mortgagee shall immediately convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.

(3) Alternatively, the acquiring authority may give notice in writing to the mortgagee that they will pay all the principal and interest due on the mortgage at the end of six months, computed from the day of giving the notice; and if they have given any such notice, or if the person entitled to the equity of

redemption has given six months notice of his intention to redeem, then at the expiration of either of the notices, or at any intermediate period, on payment or tender by the acquiring authority to the mortgagee of the principal money due on the mortgage, and the interest which would become due at the end of six months from the time of giving either of the notices, together with his costs and expenses, if any, the mortgagee shall convey or release his interest in the land comprised in the mortgage to the acquiring authority, or as they may direct.

(4) If, in a case under subsection (2) or subsection (3) of this section, on such payment or tender the mortgagee fails to convey or release his interest in the mortgage as directed by the acquiring authority, or fails to make out a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the sums payable under subsection (2) or subsection (3) of this section, as the case may be.

(5) When the acquiring authority have paid those sums into court, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act.

(6) On execution of the deed poll, as well as in the case of a conveyance by the mortgagee, all the estate and interest of the mortgagee (and of all persons in trust for him, or for whom he may be a trustee) in the land shall vest in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.

(7) This section shall apply—

- (a) whether or not the acquiring authority have previously purchased the equity of redemption,
- (b) whether or not the mortgagee is a trustee,
- (c) whether or not the mortgagee is in possession of the land, and
- (d) whether or not the mortgage includes other land in addition to the land subject to compulsory purchase.

15.—(1) If the value of any such mortgaged land is less than the principal, interest and costs secured on the land, the value of the land, or the compensation to be paid by the acquiring authority in respect of the land, shall be settled by agreement between the mortgagee and the person entitled to the equity of redemption on the one part, and the acquiring authority on the other part, or, if they fail to agree, shall be determined by the Lands Tribunal.

Mortgage debt exceeding value of mortgaged land.

PART I

(2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the mortgaged land to the acquiring authority or as they direct, and if he fails to do so, or fails to adduce a good title to that interest to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount agreed or awarded.

(4) When the acquiring authority have so paid into court the amount agreed or awarded, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act.

(5) On execution of the deed poll the land, as to the estate and interest which were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the acquiring authority and, where the mortgagee was entitled to possession of the land, the acquiring authority shall be entitled to possession of the land.

(6) The making of payment to the mortgagee or into court of the amount agreed or awarded shall be accepted by the mortgagee in satisfaction, or part satisfaction, of his mortgage debt, and shall be a full discharge of the mortgaged land from all money due thereon.

(7) All rights and remedies possessed by the mortgagee against the mortgagor by virtue of any bond or covenant or other obligation, other than the right to the land, shall remain in force in respect of so much of the mortgage debt as has not been satisfied by payment to the mortgagee or into court.

Acquisition
of part of
land subject
to mortgage.

16.—(1) If a part only of any mortgaged land is required by the acquiring authority, and —

- (a) the part so required is of less value than the principal, interest and costs secured on such land, and
- (b) the mortgagee does not consider the remaining part of the land a sufficient security for the money charged thereon, or is not willing to release the part so required,

then the value of that part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of that land on the one part and the acquiring authority on the other and, if the parties fail to agree, shall be determined by the Lands Tribunal.

(2) The amount so agreed or awarded shall be paid by the acquiring authority to the mortgagee in satisfaction or part satisfaction of his mortgage debt.

(3) On payment or tender of the amount so agreed or awarded the mortgagee shall convey or release all his interest in the land to be taken to the acquiring authority or as they direct.

(4) A memorandum of what has been so paid shall be endorsed on the deed creating the mortgage and shall be signed by the mortgagee; and a copy of the memorandum shall at the same time (if required) be furnished by the acquiring authority at their expense to the person entitled to the equity of redemption of the land comprised in the mortgage.

(5) If, on payment or tender to any such mortgagee of the amount of compensation agreed or awarded, the mortgagee fails to convey or release to the acquiring authority, or as they direct, his interest in the land in respect of which the compensation has been so paid or tendered, or if he fails to adduce a good title thereto to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount of the compensation; and subsections (4) to (6) of the last foregoing section shall apply as if references in those subsections to the land were references to the part of the land comprised in the mortgage which is required by the acquiring authority.

(6) Notwithstanding the foregoing provisions of this section the mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money or the residue of it (as the case may be), and the interest thereon, as against the remaining land comprised in the mortgage, as he would have had for recovering or compelling payment thereof as against the whole of the land originally comprised in the mortgage.

17.—(1) If in the mortgage deed a time was limited for the payment of the principal secured and under the three last foregoing sections the mortgagee has been required to accept payment of the principal at a time earlier than the time so limited, the amounts payable under those sections shall include—

Compensation where mortgage paid off before stipulated time.

- (a) all such costs and expenses as may be incurred by the mortgagee in respect of, or as incidental to, the re-investment of the sum paid off, and
- (b) if the rate of interest secured by the mortgage is higher than can reasonably be expected to be obtained on re-investment at the time the mortgage is paid off, regard being had to the current rate of interest, compensation in respect of the loss thereby sustained.

(2) The costs under paragraph (a) of the foregoing subsection shall, in case of difference, be taxed and their payment enforced in the manner provided in section 23 of this Act for costs of

PART I conveyances, and the amount of compensation under paragraph (b) of the foregoing subsection shall, in case of difference, be referred to and determined by the Lands Tribunal.

Rentcharges. **18.—(1)** If any difference arises between the acquiring authority and a person entitled to a rentcharge on any of the land subject to compulsory purchase as to the compensation to be paid for the release of the land from the rentcharge, or from the part of the rentcharge affecting the land, it shall be referred to and determined by the Lands Tribunal.

(2) If part only of the land charged with a rentcharge is comprised in the land required by the acquiring authority the apportionment of the rentcharge—

(a) may be settled by agreement between the person entitled to the rentcharge and the owner of the land on the one part and the acquiring authority on the other part, and

(b) if not so settled, shall be referred to and determined by the Lands Tribunal,

but if the remaining part of the land so charged is a sufficient security for the rentcharge the person entitled to the rentcharge may, with the consent of the owner of that part of the land, release from the rentcharge the land required by the acquiring authority on condition or in consideration of that part of the land remaining exclusively subject to the whole of the rentcharge.

(3) If the person entitled to a rentcharge on any of the land subject to compulsory purchase, on payment or tender to him of the compensation agreed or awarded, fails to execute in favour of the acquiring authority a release of the rentcharge, or if he fails to make out a good title to the rentcharge to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to pay into court the amount of the compensation.

When the acquiring authority have paid the compensation into court, it shall be lawful for them to execute a deed poll in the manner provided by section 9(3) of this Act, and on execution of the deed poll the rentcharge, or the part of the rentcharge in respect of which the compensation was paid, shall be extinguished.

(4) If any of the land subject to compulsory purchase is so released from a rentcharge, or part of a rentcharge, to which it was subject jointly with other land, the last-mentioned land shall alone be charged with the whole of the rentcharge, or, as the case may be, with the remainder of the rentcharge, and the person entitled to the rentcharge shall have all the

same rights and remedies over the last-mentioned land, for the whole, or as the case may be for the remainder, of the rentcharge as he had previously over the whole of the land subject to the rentcharge.

(5) If upon any rentcharge or part of a rentcharge being so released the deed or instrument creating or transferring the charge is tendered to the acquiring authority for the purpose, the acquiring authority shall affix their common or official seal to a memorandum of the release endorsed on the deed or instrument declaring—

- (a) what part of the land originally subject to the rentcharge has been purchased by virtue of this Act, and
- (b) if the land is released from part of the rentcharge, what part of the rentcharge has been released and how much of it continues payable, and
- (c) if the land has been released from the whole of the rentcharge, then that the remaining land is thenceforward to remain exclusively charged with the rentcharge,

and the memorandum shall be made and executed at the expense of the acquiring authority and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

(6) In this section “rentcharge”, in relation to any land, includes any other payment or incumbrance charged on the land not provided for in the foregoing provisions of this Act.

19.—(1) If part only of the land comprised in a lease for a term of years unexpired is required by the acquiring authority, the rent payable in respect of the land comprised in the lease shall be apportioned between the land so required and the residue of the land. Apportionment of rent under leases.

(2) The apportionment may be settled by agreement between the lessor and lessee of the land on the one part, and the acquiring authority on the other part, and if the apportionment is not so settled by agreement between the parties, it shall be settled by the Lands Tribunal.

(3) After the apportionment the lessee shall, as to all future accruing rent, be liable only for so much of the rent as is apportioned in respect of the land not required by the acquiring authority.

(4) As respects the land not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of the apportioned rent as, before the apportionment, he had for the recovery of the whole rent reserved by

PART I

the lease ; and all the covenants, conditions and terms of the lease, except as to the amount of rent to be paid, shall remain in force with regard to the part of the land not so required in the same manner as they would have done if that part only of the land had been included in the lease.

(5) Every such lessee shall be entitled to receive from the acquiring authority compensation for the damage done to him in his tenancy by reason of the severance of the land required by the acquiring authority from that not required, or otherwise by reason of the execution of the works.

Tenants at will, etc.

20.—(1) If any of the land subject to compulsory purchase is in the possession of a person having no greater interest in the land than as tenant for a year or from year to year, and if that person is required to give up possession of any land so occupied by him before the expiration of his term or interest in the land, he shall be entitled to compensation for the value of his unexpired term or interest in the land, and for any just allowance which ought to be made to him by an incoming tenant, and for any loss or injury he may sustain.

(2) If a part only of such land is required, he shall also be entitled to compensation for the damage done to him in his tenancy by severing the land held by him or otherwise injuriously affecting it.

(3) If the parties differ as to the amount of compensation payable under the foregoing provisions of this section the dispute shall be referred to and determined by the Lands Tribunal.

(4) On payment or tender of the amount of such compensation all such persons shall respectively deliver up to the acquiring authority, or to the person appointed by them to take possession, any such land in their possession required by the acquiring authority.

(5) If any person having a greater interest than as tenant at will claims compensation in respect of any unexpired term or interest under any lease or grant of the land subject to compulsory purchase, the acquiring authority may require that person to produce the lease or grant, or the best evidence thereof in his power ; and if, after demand in writing by the acquiring authority, the lease or grant, or that best evidence, is not produced within twenty-one days, that person shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

1954 c. 56.

(6) This section has effect subject to section 39 of the Landlord and Tenant Act 1954.

21.—(1) Schedule 4 to this Act (which relates to common land) shall apply for the purposes of this Act. PART I
Common
land.

(2) The said Schedule and the other provisions of this Act relating to common land have effect—

(a) subject to the provisions of the Inclosure Act 1852, the Inclosure Act 1854 and the Commonable Rights Compensation Act 1882 relating to the application of compensation money, and 1852 c. 79.
1854 c. 97.
1882 c. 15.

(b) subject to section 22 of the Commons Act 1899 (which restricts grants or inclosures of commons). 1899 c. 30.

Supplemental

22.—(1) If after the acquiring authority have entered on any of the land subject to compulsory purchase it appears that they have through mistake or inadvertence failed or omitted duly to purchase or to pay compensation for any estate, right or interest in or charge affecting that land the acquiring authority shall remain in undisturbed possession of the land provided that within the time limited by this section— Interests
omitted from
purchase.

(a) they purchase or pay compensation for the estate, right or interest in or charge affecting the land, and

(b) they also pay to any person who may establish a right to it, full compensation for the mesne profits,

and the compensation shall be agreed or awarded and paid (whether to claimants or into court) in the manner in which, under this Act, it would have been agreed or awarded and paid if the acquiring authority had purchased the estate, right, interest or charge before entering on the land, or as near to that manner as circumstances admit.

(2) The foregoing subsection shall apply whether or not the period specified in section 4 of this Act has expired.

(3) The time limited by this section shall be six months after the acquiring authority have notice of the estate, right, interest or charge or, if it is disputed by the acquiring authority, six months after the right to the estate, right, interest or charge is finally established by law in favour of the claimant.

(4) In assessing compensation under this section the value of the land, and of any estate or interest in the land, or any mesne profits of the land, shall be taken to be the value at the time when the acquiring authority entered on the land, and without regard to any improvements or works made in or upon the land by the acquiring authority, and as though the works had not been constructed.

(5) In this section the “mesne profits” means the mesne profits or interest which would have accrued to the persons

PART I

concerned during the interval between the entry of the acquiring authority and the time when the compensation is paid, so far as such mesne profits or interest may be recoverable in any proceedings.

Costs of conveyances etc.

23.—(1) The costs of all conveyances of the land subject to compulsory purchase shall be borne by the acquiring authority

(2) The costs shall include all charges and expenses, whether incurred on the part of the seller or on the part of the purchaser,—

(a) of all conveyances and assurances of any of the land, and of any outstanding terms or interests in the land, and

(b) of deducing, evidencing and verifying the title to the land, terms or interests, and

(c) of making out and furnishing such abstracts and attested copies as the acquiring authority may require,

and all other reasonable expenses incident to the investigation, deduction and verification of the title.

(3) If the acquiring authority and the person entitled to any such costs do not agree as to the amount of the costs, the costs shall be taxed by a Master of the Supreme Court on an order of the court obtained by either of the parties.

(4) The acquiring authority shall pay what the Master certifies to be due in respect of the costs to the person entitled and, in default, that amount may be recovered in the same way as any other costs payable under an order of the Supreme Court.

(5) The expense of taxing the costs shall be borne by the acquiring authority unless on the taxation one-sixth of the amount of the costs is disallowed, and in that case the costs of the taxation shall be borne by the party whose costs have been taxed; and the amount thereof shall be ascertained by the Master and deducted by him accordingly in his certificate of taxation.

(6) Conveyances of the land subject to compulsory purchase may be according to the forms in Schedule 5 to this Act, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the acquiring authority may think fit.

All conveyances made according to the forms in the said Schedule, or as near thereto as the circumstances of the case may admit, shall be effectual to vest the land thereby conveyed in the acquiring authority and shall operate to bar and

to destroy all estates, rights, titles, remainders, reversions, limitations, trusts and interests whatsoever of and in the land comprised in the conveyance which have been purchased or compensated for by the consideration mentioned in the conveyance.

24.—(1) It shall be lawful for—

- (a) a person having an estate in fee simple in the land, or entitled to dispose absolutely for his own benefit of the land, or
- (b) a person who would have no power to sell or convey but for the provisions of Schedule 1 to this Act,

Power to sell in consideration of a rentcharge.

to sell and convey any of the land subject to compulsory purchase to the acquiring authority in consideration of an annual rentcharge payable by the acquiring authority.

(2) The annual rent so payable shall be secured in such manner as may be agreed between the parties, and shall be payable by the acquiring authority as the rent becomes due.

(3) If at any time any such rent is not paid within thirty days after it becomes due, and after demand in writing, the person to whom the rent is payable may either recover it from the acquiring authority by proceedings in the High Court or he may levy it by distress and sale of the goods and chattels of the acquiring authority.

Where distress is so levied, any balance remaining after satisfying the amount due, and the expenses of the distress and sale, shall be returned, on demand, to the acquiring authority.

(4) On a sale under subsection (1) (b) of this section paragraph 5 of Schedule 1 to this Act shall apply.

(5) If the acquiring authority are empowered by any Act relating to the undertaking and passed after 20th August 1860 (the date of passing of the Lands Clauses Consolidation Acts Amendment Act 1860) to borrow money to an amount not exceeding a prescribed sum, then in the event of the acquiring authority agreeing with any person under the powers of this Act for the purchase of any land in consideration of a payment of a rentcharge, the powers of the acquiring authority for borrowing money shall be reduced by an amount equal to twenty years purchase of any rent charged for the time being payable. 1860 c. 106.

(6) The provisions of this section are without prejudice to section 39(2) of the Settled Land Act 1925 or any other enactment under which a sale may be made in consideration of a rentcharge. 1925 c. 18.

PART I
Payment
into court.
1965 c. 2.

25.—(1) References in this Act to payment of money into court are references to payment of the money into the Supreme Court and section 4 of the Administration of Justice Act 1965 (which prescribes the method of payment into court) shall apply accordingly.

(2) Where any money paid into court under this Act was paid in respect of any lease, or any estate in land less than the whole fee simple, or of any reversion dependent on any such lease or estate, the High Court on the application of any person interested in the money may order that the money shall be laid out, invested, accumulated and paid in such manner as the court may consider will give to the persons interested in the money the same benefit as they might lawfully have had from the lease, estate or reversion or as near thereto as may be.

(3) If any question arises respecting the title to land in respect of which money has been paid into court under this Act, the persons respectively in possession of the land, as being the owners, or in receipt of the rents of the land, as being entitled to the rents at the time when the land was purchased, shall be deemed to have been lawfully entitled to the land until the contrary is shown to the satisfaction of the court; and unless the contrary is shown to the satisfaction of the court the persons so in possession, and all persons claiming under them, or consistently with their possession, shall be deemed to be entitled to the money so paid into court, and to the interest and dividends of it or of the securities purchased therewith; and the money, dividends, interest and annual proceeds shall be paid and applied accordingly.

(4) Before Schedule 1 to the Administration of Justice Act 1965 comes into force, subsection (1) of this section shall not apply, but any money to be paid into court under this Act shall be paid into the Bank of England in the name of the Accountant General of the Supreme Court and placed to his account and when deposited shall be subject to the control and disposition of the High Court.

Costs in
respect of
money
paid into
court.

26.—(1) This section shall apply in relation to any compensation paid into court under this Act except where it was so paid in consequence—

- (a) of the wilful refusal of the person entitled to accept it,
or
- (b) of the wilful refusal of that person to convey the land in respect of which the compensation was payable, or
- (c) of the wilful neglect of any person to make out a good title to the land.

(2) Where this section applies the High Court may order the acquiring authority to pay—

- (a) the costs of, or incurred in consequence of, the purchase of the land, and
- (b) the cost of the investment of the compensation paid into court, or of its reinvestment in the purchase of other land.

(3) References in this section to costs include references to all reasonable charges and expenses incidental to the matters mentioned in this section and to—

- (a) the cost of obtaining the proper orders for any of the purposes set out above,
- (b) the cost of obtaining the orders for the payment of dividends out of the compensation,
- (c) the cost of obtaining the orders for the payment out of court of the principal amount of the compensation, or of any securities in which it is invested, and
- (d) the cost of all proceedings relating to such orders, except such as are occasioned by litigation between adverse claimants.

(4) The costs of not more than one application for reinvestment in land shall be allowed unless it appears to the High Court that it is for the benefit of the parties interested in the compensation that it should be invested in the purchase of land in different sums and at different times.

27.—(1) This section shall not apply—

- (a) in any case in which the compulsory purchase order so provides ; or
- (b) where this Part of this Act applies to an acquisition of land under the Housing Act 1957.

Acquiring authority to make good deficiencies in rates.
1957 c. 56.

(2) When the acquiring authority becomes possessed by virtue of this Act of any land which is liable to be assessed to rates, they shall from time to time, until the works are completed and assessed to rates, be liable to make good the deficiency in the several assessments for rates by reason of the land having been taken or used for the purposes of the works.

(3) Subject to the next following subsection, the deficiency shall be computed according to the rental at which the land, with any building thereon, was valued or rated at the time when the compulsory purchase order became operative.

(4) If the land is situated in a rating area which is a county borough, non-county borough or urban district or a rating area in Greater London, the amount required to be made good by the acquiring authority shall be one half of the deficiency in the several assessments to rates.

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(5) The assessment on which any payment made by the acquiring authority under this section is based shall be inserted in the valuation list and any such payments shall be taken into account for the purpose of ascertaining the proceeds of any rate.

(6) The acquiring authority shall on demand pay all such deficiencies to the collector.

(7) In this section "rate" means the general rate and, in relation to the City of London includes a reference to a poor rate and, in relation to the Temples, shall be construed as a reference to any rate in the nature of a general rate levied for the Inner Temple or the Middle Temple, as the case may be.

General provisions as to deeds poll.

28.—(1) Any deed poll executed by the acquiring authority in accordance with this Act shall be under their common seal or official seal.

(2) Any such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the acquiring authority of the land described therein, or otherwise duly stamped.

1925 c. 20.

(3) The provisions of this Act as to the execution of deeds poll have effect subject to section 7(4) of the Law of Property Act 1925 (under which any such power of disposing of a legal estate exercisable by a person who is not the estate owner is, when practicable, to be exercised in the name and on behalf of the estate owner).

Irregularities in proceedings under the Act.

29.—(1) No distress levied under this Act shall be deemed unlawful, nor shall the person making the distress be deemed a trespasser on account of any defect or want of form in the warrant of distress or other proceedings relating to the distress; and the person making the distress shall not be deemed a trespasser ab initio on account of any irregularity afterwards committed by him so, however, that any person aggrieved by any defect or irregularity may recover full satisfaction for the special damage in civil proceedings.

(2) If any person has committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority thereby given, and if, before proceedings are brought in respect of the wrongful proceeding, that person makes tender of sufficient amends to the party injured, the party injured shall not be entitled to recover anything in those proceedings.

Service of notices.

30.—(1) Notices required to be served by the acquiring authority on any person interested in or entitled to sell any of the land—

(a) shall be served personally, or left at his last usual place of abode, or

(b) if he is absent from the United Kingdom or cannot be found after diligent inquiry has been made, may be left with the occupier of the land or, if there is no occupier, shall be affixed upon some conspicuous part of the land.

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(2) If any such person is a body corporate the notice shall be left at the principal office of the body corporate or, if no office can after diligent inquiry be found, shall be served on some principal member of the body corporate, and such notice shall also be left with the occupier of the land or, if there is no occupier, shall be affixed upon some conspicuous part of the land.

(3) Paragraph 19 of Schedule 1 to the Act of 1946 shall apply to the service of notices under section 11(1) of this Act and, notwithstanding anything in subsection (1) of this section, notices required to be served by the acquiring authority under any other provision of this Act may be served and addressed in the manner specified in that paragraph.

(4) A summons or notice, or writ or other legal proceeding, required to be served on the acquiring authority may be served by being left at, or sent by post addressed to, the principal office, or any of the principal offices, of the acquiring authority.

31. Any sums agreed or awarded for the purchase of land being ecclesiastical property as defined in paragraph 3 of Schedule 1 to the Act of 1946, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the other provisions of this Act, but shall be paid to the Church Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

32. This Part of this Act shall not apply in relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the Act of 1946, or made under Part II of that Schedule, before the commencement of this Act.

PART II

APPLICATION OF PART I IN OTHER CASES AND SUPPLEMENTAL PROVISIONS

33.—(1) Subject to this section Part I of this Act shall apply—
 (a) in relation to an order authorising the compulsory purchase of land and made under section 9 or section 23 of the Water Act 1945, and

Compulsory purchase orders under Water Acts 1945 and 1948.
1945 c. 42

PART II

- (b) in relation to a compulsory purchase order made and confirmed under section 24(4) of that Act (that is, where a compulsory purchase under that subsection is not by a local authority and is not effected under the Act of 1946),

as it applies in relation to a compulsory purchase order under the Act of 1946, and in the said Part I as so applied the "special Act" means the said Act of 1945 together with the order.

(2) In the case of an order under section 9 or section 23 of the Water Act 1945,—

- (a) Part I of this Act shall apply subject to such exceptions and modifications, if any, as may be specified in the order, and

- (b) where the statutory water undertakers are not a local authority within the meaning of the Act of 1946, or a development corporation established under section 2 of the New Towns Act 1965, section 8(1) and section 11(1) of this Act shall not apply but no person shall at any time be required in pursuance of the order to sell or convey to the acquiring authority part only of any house or other building or manufactory if that person is willing and able to sell and convey the whole.

1965 c. 59.

1945 c. 42.

(3) If the order is made under section 24 of the Water Act 1945—

- (a) section 8(1) of this Act shall not apply to the order but no person shall at any time be required in pursuance of the order to sell or convey to the acquiring authority a part only of any house or other building or manufactory, if that person is willing and able to sell and convey the whole,

- (b) sections 11(1) and 30(3) of this Act shall not apply,

- (c) section 27 of this Act shall apply as if subsection (1) of that section were omitted,

- (d) in section 31 of this Act for the definition of "ecclesiastical property" there shall be substituted a reference to glebe land or other land belonging to an ecclesiastical benefice.

(4) If, in the case of an order under any of the said provisions of the Water Act 1945, the acquiring authority are not a local authority within the meaning of the Act of 1946 or a development corporation established under section 2 of the New Towns Act 1965, and the undertaking is intended to be carried into effect by means of capital to be subscribed by the acquiring authority, the whole of the capital or estimated sum for defraying the expenses of the undertaking shall be subscribed

under contract binding the subscribers to pay the sums respectively subscribed by them before the acquiring authority exercises any of the powers conferred by this Act in relation to the compulsory taking of land for the purposes of the undertaking.

PART II

A certificate signed by two justices certifying that the whole of the prescribed sum has been subscribed shall be sufficient evidence thereof and on the application of the acquiring authority, and the production of such evidence as the justices think proper and sufficient, the justices shall grant certificates accordingly.

Section 1 of this Act applies for the interpretation of this subsection.

(5) Part I of this Act as applied by this section shall not apply in relation to an order made under section 9 or section 23 of the Water Act 1945, or an order confirmed under section 24 of that Act, before the commencement of this Act. 1945 c. 42.

34.—(1) Subject to this section Part I of this Act shall apply in relation to a compulsory purchase order under Part III of the Housing Act 1957 (clearance and redevelopment) as it applies in relation to a compulsory purchase order under the Act of 1946, and in the said Part I as so applied the “special Act” means the Housing Act 1957, together with the order. Compulsory purchase orders under Part III of Housing Act 1957. 1957 c. 56.

(2) Section 8(1) of this Act shall not apply to any such order, but no person shall at any time be required to sell or convey to the acquiring authority a part only of any house or any building or manufactory if that person is willing and able to sell and convey the whole:

Provided that in the case of an order under section 43 or section 51 of the Housing Act 1957, the Lands Tribunal may determine that such part of any house, building or manufactory as is proposed to be taken by the acquiring authority can be taken without material damage to the house, building or manufactory and, if they so determine, may award compensation in respect of the severance of the part so proposed to be taken in addition to the value of that part.

Where they so determine, the party interested shall be required to sell and convey to the acquiring authority that part of the house, building or manufactory.

(3) In section 11(1) of this Act as applied by this section for the reference to service of notice on the owner, lessee and occupier of the land there shall be substituted a reference to the service of notice on the owner (as defined in the Housing Act 1957) and occupier of the land.

PART II

(4) Where any land to which the compulsory purchase order relates is glebe land or any other land belonging to an ecclesiastical benefice the compulsory purchase order shall provide that sums agreed or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by this Act, but shall be paid to the Church Commissioners to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

This subsection shall have effect in substitution for section 31 of this Act.

1957 c. 56.

(5) All notices required to be served by the acquiring authority may, notwithstanding anything in section 30(1) of this Act, be served and addressed in the manner prescribed by paragraph 2(2) of Schedule 3 to the Housing Act 1957 or by section 169 of that Act in relation to notices required to be served by or under that Act; and section 30(3) of this Act shall not apply.

(6) Part I of this Act as applied by this section shall not apply in relation to an order confirmed before the commencement of this Act.

Purchase
notice under
Part III of
Housing Act
1964.

1964 c. 56.

35.—(1) In section 59(2) of the Housing Act 1964 for the words “under the Lands Clauses Acts” there shall be substituted the words “by a compulsory purchase order in relation to which Part I of the Compulsory Purchase Act 1965 applies”.

(2) This section shall have effect as respects notices served under the said section 59 after the commencement of this Act.

Orders relating
to acquisition
of land under
s. 67 of Water
Resources
Act 1963.

1963 c. 38.

36.—(1) Subject to this section Part I of this Act shall apply in relation to the acquisition of any land, interest or right in the exercise of a power conferred by an order under section 67 of the Water Resources Act 1963 as it applies in relation to a compulsory purchase order under the Act of 1946, and as if the order were a compulsory purchase order made in accordance with the provisions of Schedule 1 to the Act of 1946.

(2) As so applied, Part I of this Act shall have effect subject to such exceptions and modifications (if any) as may be specified in the order, and subject also to the provisions (where applicable) of section 132 of, and of paragraphs 13 and 14 of Schedule 8 to, the said Act of 1963.

(3) Part I of this Act as applied by this section shall not apply in relation to an order made under the said section 67 before the commencement of this Act.

37.—(1) Subject to this section Part I of this Act shall apply in relation to a compulsory purchase order under section 11 of the Pipe-lines Act 1962 as it applies in relation to a compulsory purchase order under the Act of 1946, and in the said Part I as so applied the “special Act” means the Pipe-lines Act 1962, together with the order.

PART II
Compulsory
purchase
orders under
s. 11 of
Pipe-lines
Act 1962.

(2) Subsections (1) and (2) of section 11, section 30(3) and section 31 of this Act shall not apply, and section 27 shall apply as if subsection (1) of that section were omitted.

1962 c. 58.

(3) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (sale of superfluous land) shall apply in relation to land acquired in pursuance of a compulsory purchase order under section 11 of the Pipe-lines Act 1962, and in construing those sections as so applied—

1845 c. 18.

(a) the said Act of 1962 and the compulsory purchase order shall be deemed to be the special Act,

(b) references to the promoters of the undertaking shall be construed as references to the person authorised by the compulsory purchase order to purchase the land comprised therein.

(4) Part I of this Act as applied by this section shall not apply in relation to an order made before the commencement of this Act.

38.—(1) The enactments mentioned in Schedule 6 to this Act (which apply the Lands Clauses Acts to certain of the powers of acquiring land by agreement possessed by authorities having power to acquire land compulsorily under the Act of 1946, or any of the enactments mentioned in the foregoing provisions of this Part of this Act) shall have effect subject to the amendments set out in that Schedule (which translate references to provisions of the Land Clauses Acts relating to the acquisition of land by agreement into references to corresponding provisions of Part I of this Act).

Application to
enactments
authorising
acquisition
of land by
agreement.

(2) Nothing in the provisions of Part I of this Act as applied by Schedule 6 to this Act, or in the enactments mentioned in that Schedule, shall enable a local authority to sell for the purposes of those enactments without the consent of the Minister of Housing and Local Government or of any other Minister any land which they could not have sold without that consent apart from the provisions of this section.

(3) In Part I of this Act as applied to the purchase of land by agreement under any of the enactments mentioned in Schedule 6 to this Act—

(a) “the acquiring authority” means a person authorised to purchase land by that enactment,

(b) “the special Act” means the enactment,

PART II

(c) in section 27 subsection (1) shall be omitted,

and for references to land subject to compulsory purchase there shall be substituted references to land which may be purchased by agreement under the enactment.

(4) This section shall not have effect as respects any purchase of land completed before the commencement of this Act.

Consequential
amendments
and repeals.

39.—(1) Any enactment or document referring to an enactment repealed and re-enacted by this Act shall be construed as referring to the corresponding enactment in this Act.

(2) Without prejudice to the generality of subsection (1) of this section, any reference in any enactment or document to the Lands Clauses Acts, or to any provision of the Lands Clauses Acts, which is, or includes, a reference to the Lands Clauses Acts, or that provision of the Lands Clauses Acts, as incorporated by the Act of 1946, or by any of the Acts mentioned in sections 33 to 37 of this Act or Schedule 6 to this Act, shall, unless the contrary intention appears, be construed as references to the corresponding provisions in Part I of this Act.

(3) Without prejudice to the last foregoing subsection, references to provisions of the Lands Clauses Acts in the enactments mentioned in Schedule 7 to this Act shall be amended in accordance with that Schedule.

1949 c. 42.
1961 c. 33.

(4) The enactments mentioned in Schedule 8 to this Act, of which those in Part II and Part III of that Schedule are spent or are superseded by the provisions of the Lands Tribunal Act 1949 and the Land Compensation Act 1961, shall be repealed to the extent specified in the third column of that Schedule, but subject to the respective provisions at the end of each Part of that Schedule.

1889 c. 63.

(5) The mention of particular matters in this section shall not be taken to affect the general application to this Act of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

Short title,
commence-
ment and
extent.

40.—(1) This Act may be cited as the Compulsory Purchase Act 1965.

(2) Except as otherwise expressly provided, this Act shall come into force on 1st January 1966.

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

SCHEDULES

SCHEDULE 1

Sections 2 and 3

PERSONS WITHOUT POWER TO SELL THEIR INTERESTS

Preliminary

1.—(1) The provisions of this Schedule have effect subject to section 42(7) of the Law of Property Act 1925 (which provides that if on a compulsory purchase title could have been made without payment into court, title shall be made in that way unless the purchaser otherwise elects). 1925 c. 20.

(2) The provisions of this Schedule—

(a) have effect as if references to disabilities did not include references to disabilities of infants, married women or lunatics or defectives, and

(b) do not have effect in relation to patients and to persons as to whom powers are exercisable and have been exercised under section 104 of the Mental Health Act 1959. 1959 c. 72.

Power to sell and convey to the acquiring authority

2.—(1) It shall be lawful for all persons who are seised or possessed of or entitled to any of the land subject to compulsory purchase, or any estate or interest in any of that land, to sell and convey or release it to the acquiring authority, and to enter into all necessary agreements for the purpose.

(2) Subject to paragraph 1 of this Schedule, the foregoing subparagraph applies in particular—

(a) to corporations,

(b) to tenants in tail or for life,

(c) to trustees for charitable or other purposes, and

(d) to persons for the time being entitled to the receipt of the rents and profits of any of the land (whether in possession or subject to any lease for years or any less interest).

(3) Subject to paragraph 1 of this Schedule, the powers conferred by this paragraph on any person, other than a lessee for a term of years, or for any less interest, may be exercised not only on behalf of himself and his successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after him, or in defeasance of his estate.

(4) Trustees for a cestui que trust under any disability may exercise the powers conferred by this paragraph on behalf of that cestui que trust to the same extent that the cestui que trust could have exercised those powers if he had not been under any disability.

Additional powers of entering into transactions with acquiring authority

3. The following powers, that is—

(a) any power conferred on a lord of the manor by Schedule 4 to this Act, and

Sch. 1

- (b) any power of releasing land from any rent, charge or incumbrance, or of agreeing to the apportionment of any rent, charge or incumbrance under sections 14 to 20 of this Act,

may lawfully be exercised by any person enabled under the last foregoing paragraph to sell and convey or release land to the acquiring authority.

Valuation on purchase by agreement

4.—(1) Subject to this paragraph, the compensation to be paid for any land to be purchased from a person under any disability or incapacity who has no power to sell or convey the land except under this Schedule, or for any permanent damage or injury to any such land, shall be determined by the valuation of two surveyors, one of whom shall be nominated by the acquiring authority, and the other by the other party.

(2) If the two surveyors cannot agree on a valuation, two justices of the peace may, on the application of either party, and after notice to the other party, nominate a third surveyor to make the valuation instead of the two other surveyors.

(3) Each of the two surveyors or, as the case may be, the third surveyor shall annex to any valuation made by him a declaration in writing signed by him of the correctness of the valuation.

(4) No valuation need be made under this paragraph if the compensation has been determined by, or by a member of, the Lands Tribunal in pursuance of the provisions of this Act or under paragraph 1 of Schedule 2 to this Act.

(5) In this paragraph “surveyor” means an able practical surveyor.

Sale in consideration of rentcharge

5.—(1) On a sale under section 24(1)(b) of this Act the amount of the rentcharge shall be settled in accordance with the last foregoing paragraph, but subject to the following provisions of this paragraph.

(2) The amount of the rentcharge shall not be less than five-fourths of the average net annual rent received by the persons beneficially interested in the land in question in the last seven years.

(3) A charge of five per cent. on the gross amount of any compensation estimated or fixed under this Act by way of compensation for any damage that may be done to the land shall be added to and form part of the rentcharge.

(4) No fine or premium, or consideration in the nature of a fine or premium, shall be paid or taken in respect of the land sold or damaged, other than the rentcharge.

(5) The rentcharge shall remain on the same trusts and for the same purposes as those on and for which the rents and profits of the land stood settled or assured at or immediately before the conveyance of the land.

Application of compensation payable in respect of interest of person under disability

SCH. 1

6.—(1) This paragraph applies to the compensation in respect of any land or interest in land purchased by the acquiring authority from a person who has no power to sell or convey it except under this Schedule, and compensation in respect of any permanent damage to any such land.

(2) Subject to this Schedule the compensation shall be paid into court and shall remain until applied to one or more of the following purposes on an order of the High Court, that is—

- (a) in the discharge of any debt or incumbrance affecting the land, or affecting other land settled therewith on the same or the like trusts or purposes, or
- (b) in the purchase of other land to be conveyed, limited and settled upon like trusts and purposes, and in the same manner, as the land stood settled in respect of which the compensation was paid, or
- (c) if the compensation was paid in respect of any buildings taken or injured by the proximity of the works, in removing or replacing the buildings, or substituting other buildings, in such manner as the High Court may direct, or
- (d) in payment to any party becoming absolutely entitled to the compensation.

(3) If, before compensation is applied under sub-paragraph (2) of this paragraph, it is dealt with under section 6 of the Administration of Justice Act 1965, the annual proceeds thereof shall be paid to the person who would for the time being have been entitled to the rents and profits of the land in respect of which the compensation was paid. 1965 c. 2.

(4) An order of the High Court under this paragraph may be made on the application of the person who would have been entitled to the rents and profits of the land in respect of which the compensation is paid.

(5) Before Schedule 1 to the Administration of Justice Act 1965 comes into force, compensation which has not been applied under sub-paragraph (2) of this paragraph may, on the order of the High Court, be invested in accordance with rules of court, and the interest, dividends and annual proceeds of the investment shall be paid to the person mentioned in sub-paragraph (3) of this paragraph.

Alternative method of disposing of compensation between £200 and £20

7.—(1) If the amount of the compensation exceeds twenty pounds but does not exceed two hundred pounds, it may, with the approval of the acquiring authority, instead of being paid into court under the last foregoing paragraph, be paid to two trustees approved by the acquiring authority and nominated by the person entitled to the rents or profits of the land in respect of which the compensation is paid by a nomination in writing signed by him.

SCH. 1

(2) The compensation paid to the trustees, and the income arising from it, shall be applied by the trustees in accordance with the last foregoing paragraph, except that it shall not be necessary to obtain any order of the High Court for that purpose, and the compensation until so applied may be invested in government or real securities.

Compensation not exceeding £20

8. If the compensation does not exceed twenty pounds, it shall be paid to the person entitled to the rents and profits of the land in respect of which it is payable, for his own use and benefit.

Sums payable under contract with persons not absolutely entitled

9.—(1) All sums of money exceeding twenty pounds payable by the acquiring authority in respect of the taking, using or interfering with any land under a contract or agreement with any person who is not entitled to dispose of the land absolutely for his own benefit shall be paid into court or to trustees in accordance with paragraphs 6 and 7 of this Schedule, and it shall not be lawful for any such person to retain to his own use—

(a) any part of any sums agreed or contracted to be paid for or in respect to the taking, using or interfering with any of the land, or

(b) any part of the sums agreed or contracted to be paid in lieu of bridges, tunnels or other accommodation works.

(2) All such money shall be deemed to have been contracted to be paid for and on account of the several parties interested in the land, whether in possession or in remainder, reversion or expectancy.

(3) Notwithstanding the last foregoing sub-paragraph, the High Court or, as the case may be, the trustees under paragraph 7 of this Schedule may if they think fit allot to any tenant for life, or to a tenant for any other partial or qualified estate, for his own use, a part of the sums of money paid into court or to trustees under this Schedule as compensation for any injury, inconvenience or annoyance which he may have sustained independently of the actual value of the land, and of the damage occasioned to the land held therewith, by reason of the taking of the land and the execution of the works.

Conveyance of the land or interest

10.—(1) When the compensation agreed or awarded in respect of the land has been paid into court under the foregoing provisions of this Schedule, the owner of the land (including all parties who are by this Schedule enabled to sell or convey the land) shall, when required to do so by the acquiring authority, duly convey the land or interest to the acquiring authority, or as they direct.

(2) If there is a failure to comply with the foregoing sub-paragraph, or a failure to adduce a good title to the land to the satisfaction of the acquiring authority, it shall be lawful for the acquiring authority to execute a deed poll containing a description

of the land, and reciting its acquisition by the acquiring authority, the names of the parties from whom it was purchased, the amount of compensation paid into court and the default. SCH. 1

(3) On execution of the deed poll all the estate and interest in the land belonging to, or capable of being sold and conveyed by, any person as between whom and the acquiring authority the compensation was agreed or awarded and paid into court shall vest absolutely in the acquiring authority, and as against all such persons and all parties on behalf of whom they are enabled by this Schedule to sell and convey, the acquiring authority shall be entitled to immediate possession of the land.

SCHEDULE 2

Section 5.

ABSENT AND UNTRACED OWNERS

1.—(1) The compensation to be paid for any land subject to compulsory purchase to be purchased by the acquiring authority—

- (a) from a person who is prevented from treating with them on account of absence from the United Kingdom, or
- (b) from a person who cannot be found after diligent inquiry has been made,

and the compensation to be paid for any permanent injury to any such land, shall be determined by the valuation of a surveyor selected from the members of the Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949. 1949 c. 42.

(2) The surveyor shall before making the valuation make and sign a declaration in the following form in the presence of a justice of the peace,—

“ I A.B. do solemnly and sincerely declare that I will faithfully, impartially and honestly, according to the best of my skill and ability, execute the duty of making the valuation hereby referred to me.

Made and signed in the presence of

If a surveyor makes the declaration corruptly or, after having made the declaration, wilfully acts contrary to the declaration, he shall be guilty of a misdemeanour.

(3) The surveyor shall annex to the valuation made by him a declaration in writing, signed by him, of the correctness of the valuation, and the acquiring authority shall preserve the valuation and declaration together and produce them, on demand, to the owner of the land to which the valuation relates, and to all other persons interested in the land.

(4) All the expenses of and incident to the valuation shall be borne by the acquiring authority.

2.—(1) The acquiring authority may pay into court the compensation determined under this Schedule to be placed to the credit of the parties interested in the land, giving their descriptions so far as the acquiring authority is in a position to do so.

SCH. 2

(2) When the acquiring authority have paid into court the compensation, it shall be lawful for them to execute a deed poll containing a description of the land in respect of which the payment into court was made, and declaring the circumstances under which, and the names of the parties to whose credit, the payment into court was made.

(3) On execution of the deed poll all the estate and interest in the land of the parties for whose use and in respect whereof the compensation was paid into court shall vest absolutely in the acquiring authority, and as against those persons the acquiring authority shall be entitled to immediate possession of the land.

1965 c. 2.

3.—(1) On the application of any person claiming any part of the money paid into court, or of the land or any interest in the land in respect of which it was paid into court, the High Court may order its distribution according to the respective estates, titles or interests of the claimants, and if, before the money is distributed, it is dealt with under section 6 of the Administration of Justice Act 1965 payment likewise of the dividends thereof, and may make such other order as the court thinks fit.

(2) Before Schedule 1 to the Administration of Justice Act 1965 comes into force, orders of the High Court under the foregoing sub-paragraph may include an order for the money to be invested in accordance with rules of court and an order for payment of the dividends on the money.

4.—(1) If the person mentioned in paragraph 1(1) of this Schedule is dissatisfied with the surveyor's valuation he may, before applying under paragraph 3 of this Schedule to the High Court for payment or investment of the compensation paid into court, by notice in writing to the acquiring authority require the submission to the Lands Tribunal of the question whether the compensation paid into court was sufficient, or whether any and what further sum ought to be paid over or paid into court.

(2) If the Lands Tribunal award a further sum, the acquiring authority shall pay over or pay into court as the case may require that further sum within fourteen days of the making of the award, and if they make default, that further sum may be recovered in proceedings in the High Court.

1949 c. 42.

(3) If the Lands Tribunal determine that the compensation paid into court was sufficient, the costs of and incident to the proceedings before the Lands Tribunal shall, in accordance with section 3(5) of the Lands Tribunal Act 1949, be in the discretion of that Tribunal, but if the Lands Tribunal determine that a further sum ought to be paid, all the costs of and incident to the proceedings shall be borne by the acquiring authority.

Section 11.

SCHEDULE 3

ALTERNATIVE PROCEDURE FOR OBTAINING RIGHT OF ENTRY

1. Before entering on any of the land the acquiring authority shall comply with the requirements of paragraphs 2 and 3 of this Schedule as respects each person interested in or entitled to sell and convey the land who has not given his consent to the entry (hereinafter referred to as "the owner").

2.—(1) The acquiring authority shall pay into court by way of security—

- (a) the amount of compensation claimed by the owner, or
- (b) a sum equal to the value of his interest as determined by a surveyor appointed in accordance with the following sub-paragraph.

(2) The surveyor shall be an able practical surveyor appointed by two justices of the peace acting together by an instrument in writing signed by them.

3.—(1) The acquiring authority shall also give or tender to the owner a bond in a penal sum equal to the sum to be paid into court under paragraph 2 of this Schedule, conditioned for payment to the owner, or, as the case may be, for payment into court in accordance with this Act, of all the compensation which may be agreed or awarded, together with interest thereon at the rate prescribed under section 32 of the Land Compensation Act 1961 from the time of entry until the compensation is paid over, or paid into court, in accordance with this Act. 1961 c. 33.

(2) The bond shall, where the acquiring authority are a corporation, be under their common seal or official seal.

(3) The bond shall be with two sufficient sureties, and, if the acquiring authority and the owner do not agree, the sureties shall be approved by two justices of the peace acting together.

4.—(1) Money paid into court under paragraph 2 of this Schedule shall remain in court by way of security to him for the performance of the condition of the bond.

(2) If the money has been dealt with under section 6 of the Administration of Justice Act 1965, it shall be accumulated. 1965 c. 2.

(3) When the condition of the bond is fully performed, the High Court may, on the application of the acquiring authority, order the money, or the proceeds of the securities in which it has been invested, together with the accumulation, to be paid to the acquiring authority.

(4) If the condition of the bond has not been fully performed, the High Court may order the money to be applied, in such manner as the court thinks fit, for the benefit of the person for whose security it was paid into court.

(5) Before Schedule 1 to the Administration of Justice Act 1965 comes into force sub-paragraph (2) of this paragraph shall not apply, but the money paid into court may, on the application of the acquiring authority, be ordered to be invested in accordance with rules of court and accumulated.

SCHEDULE 4

Section 21.

COMMON LAND

General

1.—(1) The compensation in respect of the right in the soil of any of the land subject to compulsory purchase and subject to any rights of common shall be paid to the lord of the manor, in case he is entitled thereto, or to such party, other than the commoners, as is entitled to the right in the soil.

SCH. 4

(2) The compensation in respect of all other commonable and other rights in or over such land, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of the land, shall be determined and paid and applied in the manner provided in the following provisions of this Schedule with respect to common land the right in the soil of which belongs to the commoners; and upon payment of the compensation so determined either to the persons entitled thereto or into court all such commonable and other rights shall cease and be extinguished.

Duty of owner of right in the soil to convey on payment of compensation

2.—(1) On payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation agreed or awarded in respect of the right in the soil of any such land, or, where provided for in this Act, on payment into court of that compensation, the lord of the manor or other party shall convey the land to the acquiring authority.

(2) The conveyance shall have the effect of vesting the land in the acquiring authority as if the lord of the manor or other party had been seised in fee simple of the land at the time of executing the conveyance.

(3) In default of such a conveyance it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act, and thereupon the land in respect of which the compensation was paid into court shall vest absolutely in the acquiring authority and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until those rights have been extinguished by payment, as hereinafter provided, of compensation for the same either to the persons entitled thereto or into court.

Compensation for common land not held of a manor

3. The compensation in respect of any of the land subject to compulsory purchase, being common land, or in the nature thereof, the right to the soil of which belongs to the commoners, as well as the compensation in respect of the commonable and other rights in or over common land the right in the soil of which does not belong to the commoners (other than compensation to the lord of the manor or other party entitled to the soil of common lands in respect of his right in the soil) shall be determined by agreement between the acquiring authority and a committee of the persons entitled to commonable or other rights in the land to be appointed under the following provisions of this Schedule.

Appointment of committee of commoners

4.—(1) The acquiring authority may convene a meeting of the persons entitled to commonable or other rights over or in the land subject to compulsory purchase to be held at some convenient

place in the locality for the purpose of appointing a committee to treat with the acquiring authority for the compensation to be paid for the extinction of the commonable or other rights.

(2) The meeting shall be called by publishing a notice in two consecutive weeks in a newspaper circulating in the county or counties and in the locality in which the land is situated.

(3) The last of those notices shall be published not more than fourteen or less than seven days before the meeting.

(4) Notice of the meeting shall also, not less than seven days before the meeting, be affixed on the door of the parish church in the locality where the meeting is to be held, or if there is no such church, at some other place in the locality where notices are usually affixed; and if the land is parcel of or held of a manor, the notice of the meeting shall also be given to the lord of the manor.

(5) A meeting called under this paragraph may appoint a committee consisting of not more than five of the persons entitled to any such rights, and at such a meeting the decision of the majority of the persons so entitled who are present shall bind the minority and all absent parties.

(6) In this paragraph "county" includes any riding or other like division of a county, and a county of a city or of a town.

Negotiations with committee

5.—(1) The committee may agree on behalf of themselves and all other parties interested in the commonable and other rights, and all such parties shall be bound by the agreement.

(2) The committee may receive the compensation agreed to be paid, and the receipt of the committee, or of any three of them, shall be an effectual discharge for the compensation.

(3) The compensation when received shall be apportioned by the committee among the several persons interested, according to their respective interests, and the acquiring authority shall not be bound to see to the apportionment or to the application of the compensation, nor shall they be liable for the misapplication or nonapplication of the compensation.

(4) If the committee fail to agree with the acquiring authority as to the amount of the compensation it shall be referred to and determined by the Lands Tribunal.

Settlement of compensation where no committee is appointed

6. If there is a failure to hold an effective meeting under paragraph 4 of this Schedule, or if the meeting fails to appoint a committee, the amount of the compensation shall be determined by a surveyor selected from the members of the Lands Tribunal in accordance with section 3 of the Lands Tribunal Act 1949.

1949 c. 42.

Execution of deed poll

7.—(1) On payment or tender to the committee, or any three of them, or if there is no such committee then upon payment into

SCH. 4 court in the manner provided in the like case, of the compensation agreed or awarded in respect of the commonable or other rights, it shall be lawful for the acquiring authority, if they think fit, to execute a deed poll in the manner provided by section 9(3) of this Act.

(2) On execution of the deed poll the land in respect of which the compensation was paid over, or paid into court, shall vest in the acquiring authority freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof.

(3) The High Court may order payment of the compensation paid into court to a committee appointed under this Schedule, or make such other order with respect thereto for the benefit of the parties interested as the High Court thinks fit.

Section 23(6).

SCHEDULE 5
FORMS OF CONVEYANCE
General

I, _____, of _____, in consideration of the sum of _____ paid to me [or, as the case may be], into court, in the name and with the privity of the Accountant General of the Supreme Court, ex parte "the acquiring authority" [naming them], or to A.B., of _____, and C.D., of _____, [two trustees appointed to receive the same], pursuant to the [here name the compulsory purchase order], by the [here name the acquiring authority], do hereby convey to the said authority [or other description], and their successors in title, all [describing the premises to be conveyed], and all such estate, right, title, and interest in and to the same as I am or shall become seised or possessed of, or am by the said order empowered to convey, to hold the premises to the said authority [for other description], and their successors in title, for ever. In witness, etc.

Conveyance on rentcharge

I, _____, of _____, in consideration of the rentcharge to be paid to me, and my successors in title as hereinafter mentioned, by "the acquiring authority" [naming them], do hereby convey to the said authority [or other description], and their successors in title, all [describing the premises to be conveyed], and all my estate, right, title, and interest in and to the same and every part thereof to hold the said premises to the said authority [or other description], and their successors in title, for ever, they the said authority [or other description], and their successors in title yielding and paying unto me, and my successors in title, one clear yearly rent of _____, by equal quarterly [or half-yearly, as agreed upon], portions, henceforth, on the [stating the days], clear of all deductions. In witness etc.

Section 38.

SCHEDULE 6

POWERS OF PURCHASING LAND BY AGREEMENT

1908 c. 36.

THE SMALL HOLDINGS AND ALLOTMENTS ACT 1908

In section 38 for the words from "the Lands Clauses Acts" to "by agreement" there shall be substituted the words "the provisions of

Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, subsections (1) to (5) of section 23, and section 31, shall apply". SCH. 6

THE SALMON AND FRESHWATER FISHERIES ACT 1923 1923 c. 16.

In section 16(2) for the words from "the Lands Clauses Acts" to "superfluous land" there shall be substituted the words "the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, section 10 and section 31, shall apply".

THE LOCAL GOVERNMENT ACT 1933 1933 c. 51.

In section 176 for the words from "the Lands Clauses Acts" to the words "undertaking and" there shall be substituted the words "the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply, and in the said Part I as so applied".

THE WATER ACT 1945 1945 c. 42.

For section 24(3) there shall be substituted the following subsection—

"(3) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, section 10, section 21 and Schedule 4, and section 31, shall apply to the foregoing provisions of this section."

THE CIVIL AVIATION ACT 1949 1949 c. 67.

In section 19(5) for the words from "the Lands Clauses Acts" to the end of the subsection there shall be substituted the words "the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, and section 31, together with sections 127 to 132 of the Lands Clauses (Consolidation) Act 1845 (superfluous land), shall apply".

THE MINERAL WORKINGS ACT 1951 1951 c. 60.

In section 17(2) for the words from "the Lands Clauses Acts" to the end of the subsection there shall be substituted the words "the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, and section 31, shall apply".

THE PRISON ACT 1952 1952 c. 52.

In section 36(3) for the words from "the Lands Clauses Acts" to the end of the subsection there shall be substituted the words "the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10, and section 31, shall apply".

THE HIGHWAYS ACT 1959 1959 c. 25.

In section 222(11) for the words from "the Lands Clauses Acts" to the words "undertaking and" there shall be substituted the words "the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 10 and section 31, shall apply, and in the said Part I as so applied".

SCH. 6

THE TOWN AND COUNTRY PLANNING ACT 1962

1962 c. 38.

For section 71(3) there shall be substituted the following subsection—

“(3) The provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable), other than sections 4 to 8, section 10, and section 31, shall apply in relation to the acquisition of land under this section”.

1965 c. 16.

THE AIRPORTS AUTHORITY ACT 1965

In section 17(2) for the words from “the Lands Clauses Acts” to the end of the subsection there shall be substituted the words “the provisions of Part I of the Compulsory Purchase Act 1965 (so far as applicable) other than sections 4 to 8, section 27 and section 31, shall apply”.

Section 39(3).

SCHEDULE 7

CONSEQUENTIAL AMENDMENTS OF REFERENCES TO ENACTMENTS
RE-ENACTED IN THIS ACT

1845 c. 20.

THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845

In section 6 as incorporated in any Act, or in any provision having effect under any Act, whether passed or made before or after the passing of this Act, for the words from “in the manner provided” to the end of the section there shall be substituted the words “by the Lands Tribunal” and in section 78 (as originally enacted, and so incorporated) for the words “the same shall be settled as in other cases of disputed compensation” there shall be substituted the words “the question shall be referred to and determined by the Lands Tribunal”.

1899 c. 30.

THE COMMONS ACT 1899

In Schedule 1 there shall be included a reference to Part I of this Act.

1947 c. 48.

THE AGRICULTURE ACT 1947

In relation to any certificate given under the Act of 1947 on or after the commencement of this Act as respects the compulsory purchase of land, for the references to provisions of the Act of 1946 in section 92(2)(b) of that Act there shall be substituted references to Part I of this Act.

1954 c. 56.

THE LANDLORD AND TENANT ACT 1954

1845 c. 18.

In section 39(1) the reference to section 121 of the Lands Clauses Consolidation Act 1845 shall include a reference to section 20 of this Act.

1957 c. 56.

THE HOUSING ACT 1957

In section 98, paragraph 3 of Schedule 1 and paragraph 10 of Schedule 3—

- (a) references to paragraph 3 of Schedule 2 to the Act of 1946 include references to section 11(1) of this Act, and
- (b) references to section 121 of the Lands Clauses Consolidation Act 1845 include references to section 20 of this Act.

In section 101(2) the reference to sections 84 to 90 of the Lands Clauses Consolidation Act 1845 includes a reference to section 11 of this Act.

THE LAND COMPENSATION ACT 1961

SCH. 7

In section 19(1) the reference to section 58 of the Lands Clauses Consolidation Act 1845 includes a reference to Schedule 2 to this Act. 1961 c. 33.

THE TOWN AND COUNTRY PLANNING ACT 1962

1962 c. 38.

1. In the provisions of the Act relating to expedited procedure in column 1 of the following Table for the respective references to provisions of the Lands Clauses Consolidation Act 1845 and the Act of 1946 in column 2 of the Table there shall be substituted references to the provisions of this Act set out in column 3 of that Table. 1845 c. 18.

<i>Context in Act of 1962</i>	<i>Provision in Act of 1845 or Act of 1946</i>	<i>Corresponding provision in this Act</i>
Section 75(2) of Act of 1962	Section 18 of Act of 1845	Section 5 of this Act
Section 75(6) of Act of 1962	Sections 84 to 90 of Act of 1845	Section 11 of this Act
Schedule 4, paragraph 4 of Act of 1962	Schedule 2, paragraph 3 of Act of 1946	Section 11(1) of this Act
Schedule 4, paragraph 7 of Act of 1962	Schedule 2, paragraph 4 of Act of 1946	Section 8(1) of this Act
Schedule 4, paragraph 8 of Act of 1962	Sections 84 to 90 of Act of 1845	Section 11 of this Act
Schedule 4, paragraph (1) of Act of 1962	Section 116 of Act of 1845	Section 18(2) of this Act
Schedule 4, paragraph (2)(3)(4) of Act of 1962	Sections 115 to 118 of Act of 1845	Section 18 of this Act
Schedule 4, paragraph (2) of Act of 1962	Section 117 of Act of 1845	Section 18(3) of this Act
Schedule 4, paragraph 11 of Act of 1962	Section 119 of Act of 1845	Section 19 of this Act

2. In paragraph 9 of Schedule 4 to the Town and Country Planning Act 1962 for the words from "the provisions of the Act of 1845" where they first occur in sub-paragraph (1) to the end of the paragraph there shall be substituted the words "section 22 of, and Schedule 2 to, the Compulsory Purchase Act 1965 shall not apply".

3. In section 86(6) of the said Act of 1962 for the words from the beginning to "Act of 1946) with" there shall be substituted the words "In construing the Compulsory Purchase Act 1965 as applied in relation to", and in paragraph (b) of that subsection the reference to section 68 of the Lands Clauses Consolidation Act 1845 shall be taken as a reference to section 10 of this Act.

4. The above amendments of the Town and Country Planning Act 1962 do not have effect in relation to a compulsory purchase order confirmed under Part I of Schedule 1 to the Act of 1946, or made under Part II of that Schedule, before the commencement of this Act.

REFERENCES TO SECTIONS 63 AND 68 OF LANDS CLAUSES CONSOLIDATION ACT 1845

References to section 63 or section 68 of the Lands Clauses Consolidation Act 1845 in any enactment shall include references to section 7 or, as the case may be, section 10 of this Act.

Section 39(4).

SCHEDULE 8

REPEALS

PART I

ENACTMENTS CONSOLIDATED

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 59.	The Land Settlement Facilities Act 1919.	Section 12(3).
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	Section 17(1).
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 2, in paragraph 1, sub-paragraph (a) and (b), and in paragraph 2 the words "the Lands Clauses Acts and" and sub-paragraph (b).
9 & 10 Geo. 6. c. 49.	The Acquisition of Land (Authorisation Proce- dure) Act 1946.	In section 1(3), the words "Lands Clauses Acts and other" and the words "I and" in both places. In Schedule 2, Part I except for paragraph 1(a) as applied by paragraph 7(2) of that Schedule. In Schedule 4, in the entry amending the Land Settlement Facilities Act 1919 the words "In section 12, subsection (3) shall not apply to land pur- chased compulsorily".
11 & 12 Geo. 6. c. 22.	The Water Act 1948.	In the Schedule, in paragraph 1, the words from the beginning to "those Acts and", the words "I and" and the proviso, and paragraph 8 (2).
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	In Schedule 1, paragraph 1(2). In Schedule 3, paragraph 7(1)(a) and sub-paragraphs (1) to (4), (6) and (8) of paragraph 8, and paragraph 9.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In Schedule 7, paragraph 1(2). In section 75(7), the words from "by the Second" to "1946 and". In section 86(6) the words from "(notwithstanding" to "1946)".
10 & 11 Eliz. 2. c. 58.	The Pipe-lines Act 1962.	In Schedule 4, paragraph 6(3).
1963 c. 38.	The Water Resources Act 1963.	In Schedule 3, paragraphs 1 and 2.
1964 c. 56	The Housing Act 1964.	In Schedule 8, paragraph 12 (1)(2)(3). Section 59(3).

The repeals in this Part of this Schedule do not apply—

(a) in relation to a compulsory purchase order confirmed before the commencement of this Act under Part I of Schedule 1 to the Act of 1946 or section 24 of the Water Act 1945 or Part III of the Housing Act 1957, or

1945 c. 42.

1957 c. 56.

- (b) in relation to a compulsory purchase order made before the commencement of this Act under Part II of Schedule 1 to the Act of 1946, or section 9 or section 23 of the Water Act 1945 or section 67 of the Water Resources Act 1963, or section 11 of the Pipe-lines Act 1962, or
- (c) in relation to a notice served under section 59 of the Housing Act 1964 before the commencement of this Act.

SCH. 8
1945 c. 42.
1963 c. 38.
1962 c. 58.
1964 c. 56.

PART II
SPENT PROVISIONS IN LANDS CLAUSES CONSOLIDATION ACT 1845

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18.	The Lands Clauses Consolidation Act 1845.	<p>In section 7 the words from "married women" where they first occur to "idiots" where that word first occurs, the words "any estate in dower or to", the words "for life, or for lives and years, or", the words "married women entitled to dower or", the words "for life or for lives and years or", the words from "and as to such married women" to the word "disability" (before the words "and as to such trustees").</p> <p>In section 8 the words from the beginning to "as well as" and the word "other".</p> <p>In section 69 the words from "married woman" to "idiot".</p> <p>In section 70 the words from first "three" to "annuities or in".</p> <p>In section 71 the words "coverture, infancy, lunacy or other" and the words "husbands, guardians, committees or".</p> <p>In section 72 the words "coverture, infancy, idiocy, or other" and the words "husbands, guardians, committees or".</p> <p>In section 74 the words from first "a life" to "lives and".</p> <p>In section 77 the words from "the Cashier" to "been paid in and".</p> <p>In section 81 the words from "to merge" to "conveyed and" and the words from "but although" to the end of the section.</p> <p>In section 87 the words "bank annuities or".</p> <p>Section 88.</p> <p>The enacting words prefacing sections 95 to 98, and those sections.</p>

SCH. 8

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18— <i>cont.</i>	The Lands Clauses Consolidation Act 1845— <i>cont.</i>	In the enacting words prefacing sections 115 to 118 the words "or chief or other rent". In section 116 the words "chief or other rent". In section 117 the words "chief or other rent". Section 139. Section 143. Section 147.

The repeals in this Part of this Schedule take effect as from the expiration of a period of one month beginning with the passing of this Act, and extend to the provisions of the Act of 1845 as incorporated in any other Act or provision having effect under an Act.

PART III

PROVISIONS SUPERSEDED BY LANDS TRIBUNAL ACT 1949
AND LAND COMPENSATION ACT 1961

Chapter	Short Title	Extent of Repeal
8 & 9 Vict. c. 18.	The Lands Clauses Consolidation Act 1845.	In section 21 the word "hereinafter". Section 22 except as applied by section 30 of the Railways Clauses Consolidation Act 1845. Sections 23 to 57. In section 58 the words from "or who shall" to "notice thereof" and the words from "as two" to the end of the section. In section 59 from the beginning to "as aforesaid and". In section 68 the words "and if the compensation claimed in such case shall exceed the sum of fifty pounds" and the words from "either" to the end of the section. In section 76 the words "or fail to appear on the inquiry before a jury as herein provided for". In section 106 the words from "to be appointed" to the end of the section. In section 121 the words from "and the amount" to "differ about the same". Section 145.

SCH. 8

Chapter	Short Title	Extent of Repeal
10 & 11 Vict. c. 27.	The Harbours, Docks and Piers Clauses Act 1847.	In section 6 the words from "and except where" to "provided by"; the words from "for determining" to "last mentioned Acts" and the words "and to enforcing the payment or other satisfaction thereof".
46 & 47 Vict. c. 15.	The Lands Clauses (Umpire) Act 1883.	The whole Act.
58 & 59 Vict. c. 11.	The Lands Clauses (Taxation of Costs) Act 1895.	The whole Act.
12, 13 & 14 Geo. 6. c. 27.	The Juries Act 1949.	Section 12.
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act 1949.	In section 18(1) proviso (a). In section 1, in subsection (3)(c) the words "on an acquisition by any such authority", and in subsection (6) the words from "instead of" to "there-with".

The repeals in this Part of this Schedule take effect as from the expiration of a period of one month beginning with the passing of this Act and those in the Lands Clauses Consolidation Act 1845, and 1845 c. 18. the Harbours, Docks and Piers Clauses Act 1847 extend to the 1847 c. 27. provisions of those Acts as incorporated in any public general Act passed before this Act, and as incorporated in any Act or provision passed or made after the passing of this Act.



Nuclear Installations Act 1965

1965 CHAPTER 57

An Act to consolidate the Nuclear Installations Acts
1959 and 1965 [5th August 1965]

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

Control of certain nuclear installations and operations

- 1.—(1) Without prejudice to the requirements of any other Act, no person other than the Authority shall use any site for the purpose of installing or operating—
- Restriction
of certain
nuclear
installations
to licensed
sites.
- (a) any nuclear reactor (other than such a reactor comprised in a means of transport, whether by land, water or air); or
- (b) subject to subsection (2) of this section, any other installation of such class or description as may be prescribed, being an installation designed or adapted for—
- (i) the production or use of atomic energy; or
- (ii) the carrying out of any process which is preparatory or ancillary to the production or use of atomic energy and which involves or is capable of causing the emission of ionising radiations; or
- (iii) the storage, processing or disposal of nuclear fuel or of bulk quantities of other radioactive matter,

being matter which has been produced or irradiated in the course of the production or use of nuclear fuel,

unless a licence so to do (in this Act referred to as a " nuclear site licence ") has been granted in respect of that site by the Minister and is for the time being in force.

(2) Regulations made by virtue of paragraph (b) of the foregoing subsection may exempt, or make provision for exempting, from the requirements of that subsection, either unconditionally or subject to prescribed conditions, any installation which the Minister is satisfied is not, or if the prescribed conditions were complied with would not be, a relevant installation.

(3) Any person who contravenes subsection (1) of this section shall be guilty of an offence and be liable—

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

Prohibition of certain operations except under permit.

2.—(1) Notwithstanding that a nuclear site licence is for the time being in force or is not for the time being required in respect thereof, no person other than the Authority shall use any site—

- (a) for any treatment of irradiated matter which involves the extraction therefrom of plutonium or uranium ; or
- (b) for any treatment of uranium such as to increase the proportion of the isotope 235 contained therein,

except under, and in accordance with the terms of, a permit in writing for such a use of the site for purposes of research or development granted by the Authority or a government department ; and any fissile material produced under such a permit shall be disposed of only in such manner as may be approved by the authority by whom the permit was granted.

(2) Any person who contravenes the foregoing subsection shall be guilty of an offence and be liable—

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

Nuclear site licences

3.—(1) A nuclear site licence shall not be granted to any person other than a body corporate and shall not be transferable. Grant and variation of nuclear site licences.

(2) Two or more installations in the vicinity of one another may, if the Minister thinks fit, be treated for the purposes of the grant of a nuclear site licence as being on the same site.

(3) Subject to subsection (4) of this section, where it appears to the Minister appropriate so to do in the case of any application for a nuclear site licence in respect of any site, he may direct the applicant to serve on such bodies of any of the following descriptions as may be specified in the direction, that is to say—

- (a) any local authority ;
- (b) any river authority, any local fisheries committee and any statutory water undertakers within the meaning of the Water Acts 1945 and 1948 ;
- (c) any river purification board within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act 1951, 1951 c. 66. any district board constituted under the Salmon Fisheries (Scotland) Acts 1828 to 1868, the board of commissioners appointed under the Tweed Fisheries Act 1857, and any local water authority within the meaning of the Water (Scotland) Acts 1946 and 1949 ; and 1857 c. cxlviii.
- (d) any other body which is a public or local authority,

notice that the application has been made, giving such particulars as may be so specified with respect to the use proposed to be made of the site under the licence, and stating that representations with respect thereto may be made to the Minister by the body upon whom the notice is served at any time within three months of the date of service ; and where such a direction has been given, the Minister shall not grant the licence unless he is satisfied that three months have elapsed since the service of the last of the notices required thereby nor until after he has considered any representations made in accordance with any of those notices.

(4) Subsection (3) of this section shall not apply in relation to an application in respect of a site for a generating station made by an electricity board within the meaning of the Electricity Acts 1947 to 1961 or of the Electricity (Scotland) Acts 1943 to 1957 or by any authorised undertakers within the meaning of the Electricity (Supply) Acts (Northern Ireland) 1882 to 1959.

(5) A nuclear site licence may include provision with respect to the time from which section 19(1) of this Act is to apply in relation to the licensed site, and where such provision is so included the said section 19(1) shall not apply until that time

or the first occasion after the grant of the licence on which any person uses the site for the operation of a nuclear installation, whichever is the earlier.

(6) The Minister may from time to time vary any nuclear site licence by excluding therefrom any part of the licensed site—

- (a) which the licensee no longer needs for any use requiring such a licence ; and
- (b) with respect to which the Minister is satisfied that there is no danger from ionising radiations from anything on that part of the site.

Attachment
of conditions
to licences.

4.—(1) The Minister by instrument in writing shall on granting any nuclear site licence, and may from time to time thereafter, attach to the licence such conditions as may appear to the Minister to be necessary or desirable in the interests of safety, whether in normal circumstances or in the event of any accident or other emergency on the site, which conditions may in particular include provision—

- (a) for securing the maintenance of an efficient system for detecting and recording the presence and intensity of any ionising radiations from time to time emitted from anything on the site or from anything discharged on or from the site ;
- (b) with respect to the design, siting, construction, installation, operation, modification and maintenance of any plant or other installation on, or to be installed on, the site ;
- (c) with respect to preparations for dealing with, and measures to be taken on the happening of, any accident or other emergency on the site ;
- (d) without prejudice to sections 6 and 8 of the Radioactive Substances Act 1960, with respect to the discharge of any substance on or from the site.

1960 c. 34.

(2) The Minister may at any time by instrument in writing attach to a nuclear site licence such conditions as the Minister may think fit with respect to the handling, treatment and disposal of nuclear matter.

(3) The Minister may at any time by a further instrument in writing vary or revoke any condition for the time being attached to a nuclear site licence by virtue of this section.

(4) While a nuclear site licence remains in force in respect of any site, the Minister shall consider any representations by any organisation representing persons having duties upon the site which may from time to time be made to him with a view to the exercise by him in relation to the site of any of his powers under the foregoing provisions of this section.

(5) At all times while a nuclear site licence remains in force, the licensee shall cause copies of any conditions for the time being in force under this section to be kept posted upon the site, and in particular on any part thereof which an inspector may direct, in such characters and in such positions as to be conveniently read by persons having duties upon the site which are or may be affected by those conditions.

(6) Any person who contravenes subsection (5) of this section, and, in the event of any contravention of any condition attached to a nuclear site licence by virtue of this section, the licensee and any person having duties upon the site in question by whom that contravention was committed, shall be guilty of an offence and be liable—

(a) on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;

(b) on conviction on indictment, to a fine not exceeding five hundred pounds, or to imprisonment for a term not exceeding five years, or to both ;

and any person who without reasonable cause pulls down, injures or defaces any document posted in pursuance of the said subsection (5) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five pounds.

5.—(1) A nuclear site licence may at any time be revoked by the Minister or surrendered by the licensee.

Revocation
and surrender
of licences.

(2) Where a nuclear site licence has been revoked or surrendered, the licensee shall, if so required by the Minister, deliver up or account for the licence to such person as the Minister may direct, and shall during the remainder of the period of his responsibility cause to be kept posted upon the site such notices indicating the limits thereof in such positions as may be directed by an inspector ; and the Minister may on the revocation or surrender and from time to time thereafter until the expiration of the said period give to the licensee such other directions as the Minister may think fit for preventing or giving warning of any risk of injury to any person or damage to any property by ionising radiations from anything remaining on the site.

(3) In this Act, the expression “ period of responsibility ” in relation to the licensee under a nuclear site licence means, as respects the site in question or any part thereof, the period beginning with the grant of the licence and ending with whichever of the following dates is the earlier, that is to say—

(a) the date when the Minister gives notice in writing to the licensee that in the opinion of the Minister there has ceased to be any danger from ionising radiations

from anything on the site or, as the case may be, on that part thereof ;

- (b) the date when a new nuclear site licence in respect of a site comprising the site in question or, as the case may be, that part thereof is granted either to the same licensee or to some other person,

except that it does not include any period during which section 19(1) of this Act does not apply in relation to the site.

(4) If the licensee contravenes any direction for the time being in force under subsection (2) of this section, he shall be guilty of an offence and be liable—

(a) on summary conviction—

(i) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds ;

(ii) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both ;

(b) on conviction on indictment, to a fine not exceeding two hundred pounds, or to imprisonment for a term not exceeding one year, or to both ;

and any person who without reasonable cause pulls down, injures or defaces any notice posted in pursuance of the said subsection (2) shall be guilty of an offence and be liable on summary conviction to a fine not exceeding five pounds.

(5) For the purposes of subsection (4)(a) of this section, a conviction under section 2(4) of the Act of 1959 by reason of a contravention of a direction in force under section 2(2) of that Act shall be deemed to be a conviction of an offence under subsection (4) of this section.

6.—(1) Subject to subsection (2) of this section, the Minister shall maintain a list showing every site in respect of which a nuclear site licence has been granted by him and including a map or maps showing the position and limits of each such site, and make arrangements for the list or a copy thereof to be available for inspection by the public ; and he shall cause notice of those arrangements to be made public in such manner as may appear to him appropriate.

(2) The said list shall not be required to show any site or part of a site in the case of which—

(a) no nuclear site licence is for the time being in force ;
and

(b) thirty years have elapsed since the expiration of the last licensee's period of responsibility.

Maintenance
of list of
licensed
sites.

Duty of licensee, etc., in respect of nuclear occurrences

7.—(1) Where a nuclear site licence has been granted in respect of any site, it shall be the duty of the licensee to secure that— Duty of licensee of licensed site.

- (a) no such occurrence involving nuclear matter as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than the licensee, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter ; and
- (b) no ionising radiations emitted during the period of the licensee's responsibility—
 - (i) from anything caused or suffered by the licensee to be on the site which is not nuclear matter ; or
 - (ii) from any waste discharged (in whatever form) on or from the site, cause injury to any person or damage to any property of any person other than the licensee.

(2) The occurrences referred to in subsection (1)(a) of this section are—

- (a) any occurrence on the licensed site during the period of the licensee's responsibility, being an occurrence involving nuclear matter ;
- (b) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which at the time of the occurrence—
 - (i) is in the course of carriage on behalf of the licensee as licensee of that site ; or
 - (ii) is in the course of carriage to that site with the agreement of the licensee from a place outside the relevant territories ; and
 - (iii) in either case, is not on any other relevant site in the United Kingdom ;
- (c) any occurrence elsewhere than on the licensed site involving nuclear matter which is not excepted matter and which—
 - (i) having been on the licensed site at any time during the period of the licensee's responsibility ; or
 - (ii) having been in the course of carriage on behalf of the licensee as licensee of that site, has not subsequently been on any relevant site, or in the course of any relevant carriage, or (except in the

course of relevant carriage) within the territorial limits of a country which is not a relevant territory.

(3) In determining the liability by virtue of subsection (1) of this section in respect of any occurrence of the licensee of a licensed site, any property which at the time of the occurrence is on that site, being—

(a) a nuclear installation ; or

(b) other property which is on that site—

(i) for the purpose of use in connection with the operation, or the cessation of the operation, by the licensee of a nuclear installation which is or has been on that site ; or

(ii) for the purpose of the construction of a nuclear installation on that site,

shall, notwithstanding that it is the property of some other person, be deemed to be the property of the licensee.

Duty of Authority.

8. Section 7 of this Act shall apply in relation to the Authority—

(a) as if any premises which are or have been occupied by the Authority were a site in respect of which a nuclear site licence has been granted to the Authority ; and

(b) as if in relation to any such premises any reference to the period of the licensee's responsibility were a reference to any period during which the Authority is in occupation of those premises.

Duty of Crown in respect of certain sites.

9. If a government department uses any site for any purpose which, if section 1 of this Act applied to the Crown, would require the authority of a nuclear site licence in respect of that site, section 7 of this Act shall apply in like manner as if—

(a) the Crown were the licensee under a nuclear site licence in respect of that site ; and

(b) any reference to the period of the licensee's responsibility were a reference to any period during which the department occupies the site.

Duty of certain foreign operators.

10.—(1) In the case of any nuclear matter which is not excepted matter and which—

(a) is—

(i) in the course of carriage on behalf of a relevant foreign operator ; or

(ii) in the course of carriage to such an operator's relevant site with the agreement of that operator from a place outside the relevant territories,

and is not for the time being on any relevant site in the United Kingdom ; or

- (b) having been on such an operator's relevant site or in the course of carriage on behalf of such an operator, has not subsequently been on any relevant site or in the course of any relevant carriage or (except in the course of relevant carriage) within the territorial limits of a country which is not a relevant territory,

it shall be the duty of that operator to secure that no occurrence such as is mentioned in subsection (2) of this section causes injury to any person or damage to any property of any person other than that operator, being injury or damage arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

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

- (a) an occurrence taking place wholly or partly within the territorial limits of the United Kingdom; or
 (b) an occurrence outside the said territorial limits which also involves nuclear matter in respect of which a duty is imposed on any person by section 7, 8 or 9 of this Act.

11. Where any nuclear matter, not being excepted matter, is in the course of carriage within the territorial limits of the United Kingdom on behalf of any person (hereafter in this section referred to as "the responsible party") and—

Duty of persons causing nuclear matter to be carried.

- (a) the carriage is not relevant carriage; and
 (b) the nuclear matter is not for the time being on any relevant site,

it shall be the duty of the responsible party to secure that no occurrence involving that nuclear matter causes injury to any person or damage to any property of any person other than the responsible party, being injury or damage incurred within the said territorial limits and arising out of or resulting from the radioactive properties, or a combination of those and any toxic, explosive or other hazardous properties, of that nuclear matter.

Right to compensation in respect of breach of duty

12.—(1) Where any injury or damage has been caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act—

Right to compensation by virtue of ss. 7 to 10.

- (a) subject to sections 13(1), (3) and (4), 15 and 17(1) of this Act, compensation in respect of that injury or damage shall be payable in accordance with section 16 of this Act wherever the injury or damage was incurred;

(b) subject to subsections (3) and (4) of this section and to section 21(2) of this Act, no other liability shall be incurred by any person in respect of that injury or damage.

(2) Subject to subsection (3) of this section, any injury or damage which, though not caused in breach of such a duty as aforesaid, is not reasonably separable from injury or damage so caused shall be deemed for the purposes of subsection (1) of this section to have been so caused.

(3) Where any injury or damage is caused partly in breach of such a duty as aforesaid and partly by an emission of ionising radiations which does not constitute such a breach, subsection (2) of this section shall not affect any liability of any person in respect of that emission apart from this Act, but a claimant shall not be entitled to recover compensation in respect of the same injury or damage both under this Act and otherwise than under this Act.

(4) Subject to section 13(5) of this Act, nothing in subsection (1)(b) of this section shall affect—

1924 c. 22.

(a) the operation of the Carriage of Goods by Sea Act 1924; or

1932 c. 36.

(b) the operation of the Carriage by Air Act 1932, the Carriage by Air Act 1961 or the Carriage by Air (Supplementary Provisions) Act 1962 in relation to any international carriage to which a convention referred to in the Act in question applies; or

1961 c. 27.

1962 c. 43.

(c) the operation of any Act which may be passed to give effect to the Convention on the Contract for the International Carriage of Goods by Road signed at Geneva on 19th May 1956.

13.—(1) Subject to subsections (2) and (5) of this section, compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 7, 8, 9 or 10 thereof if the injury or damage—

(a) was caused by such an occurrence as is mentioned in section 7(2)(b) or (c) or 10(2)(b) of this Act which is shown to have taken place wholly within the territorial limits of one, and one only, of the relevant territories other than the United Kingdom; or

(b) was incurred within the territorial limits of a country which is not a relevant territory.

(2) In the case of a breach of a duty imposed by section 7, 8 or 9 of this Act, subsection (1)(b) of this section shall not apply to injury or damage incurred by, or by persons or property on, a ship or aircraft registered in the United Kingdom.

Exclusion,
extension or
reduction of
compensation
in certain
cases.

(3) Compensation shall not be payable under this Act in respect of injury or damage caused by a breach of a duty imposed by section 10 of this Act in respect of such carriage as is referred to in subsection (1)(a)(ii) of that section unless the agreement so referred to was expressed in writing.

(4) The duty imposed by section 7, 8, 9, 10 or 11 of this Act—

(a) shall not impose any liability on the person subject to that duty with respect to injury or damage caused by an occurrence which constitutes a breach of that duty if the occurrence, or the causing thereby of the injury or damage, is attributable to hostile action in the course of any armed conflict, including any armed conflict within the United Kingdom; but

(b) shall impose such a liability where the occurrence, or the causing thereby of the injury or damage, is attributable to a natural disaster, notwithstanding that the disaster is of such an exceptional character that it could not reasonably have been foreseen.

(5) Where, in the case of an occurrence which constitutes a breach of a duty imposed by section 7, 8, 9 or 10 of this Act, a person other than the person subject to that duty makes any payment in respect of injury or damage caused by that occurrence and—

(a) the payment is made in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4) of this Act; or

(b) the occurrence took place within the territorial limits of a country which is not a relevant territory, and the payment is made by virtue of a law of that country and by a person who has his principal place of business in a relevant territory or is acting on behalf of such a person,

the person making the payment may make the like claim under this Act for compensation of the like amount, if any, not exceeding the amount of the payment made by him, and, in the case of a claim by virtue of paragraph (b) of this subsection, not exceeding five million pounds, as would have been available to him if—

(i) the injury in question had been suffered by him or, as the case may be, the property suffering the damage in question had been his; and

(ii) subsection (1) of this section had not been passed.

(6) The amount of compensation payable to or in respect of any person under this Act in respect of any injury or damage caused in breach of a duty imposed by section 7, 8, 9 or 10 of this Act may be reduced by reason of the fault of that person if,

but only if, and to the extent that, the causing of that injury or damage is attributable to any act of that person committed with the intention of causing harm to any person or property or with reckless disregard for the consequences of his act.

Protection
for ships and
aircraft.

14.—(1) A claim under this Act in respect of any occurrence such as is mentioned in section 7(2)(b) or (c), 10 or 11 of this Act which constitutes a breach of a person's duty under section 7, 8, 9, 10 or 11 of this Act shall not give rise to any lien or other right in respect of any ship or aircraft; and the following provisions of the Administration of Justice Act 1956 (which relate to the bringing of actions in rem against ships or aircraft in England and Wales, Scotland and Northern Ireland respectively), that is to say—

(a) section 3(3) and (4);

(b) section 47; and

(c) paragraph 3(3) and (4) of Part I of Schedule 1,

1894 c. 60.

and section 503 of the Merchant Shipping Act 1894 (which relates to the limitation of the liability of shipowners), shall not apply to that claim.

(2) Subsection (1) of this section shall have effect in relation to any claim notwithstanding that by reason of section 16 of this Act no payment for the time being falls to be made in satisfaction of the claim.

Bringing and satisfaction of claims

Time for
bringing
claims under
ss. 7 to 11.

15.—(1) Subject to subsection (2) of this section and to section 16(3) of this Act, but notwithstanding anything in any other enactment, a claim by virtue of any of sections 7 to 11 of this Act may be made at any time before, but shall not be entertained if made at any time after, the expiration of thirty years from the relevant date, that is to say, the date of the occurrence which gave rise to the claim or, where that occurrence was a continuing one, or was one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, the date of the last event in the course of that occurrence or succession of occurrences to which the claim relates.

(2) Notwithstanding anything in subsection (1) of this section, a claim in respect of injury or damage caused by an occurrence involving nuclear matter stolen from, or lost, jettisoned or abandoned by, the person whose breach of a duty imposed by section 7, 8, 9 or 10 of this Act gave rise to the claim shall not be entertained if the occurrence takes place after the expiration of the period of twenty years beginning with the day when the nuclear matter in question was so stolen, lost, jettisoned or abandoned.

16.—(1) The liability of any person to pay compensation under this Act by virtue of a duty imposed on that person by section 7, 8 or 9 thereof shall not require him to make in respect of any one occurrence constituting a breach of that duty payments by way of such compensation exceeding in the aggregate, apart from payments in respect of interest or costs, five million pounds.

Satisfaction of claims by virtue of ss. 7 to 10.

(2) A relevant foreign operator shall not be required by virtue of section 10 of this Act to make any payment by way of compensation in respect of an occurrence—

- (a) if he would not have been required to make that payment if the occurrence had taken place in his home territory and the claim had been made by virtue of the relevant foreign law made for purposes corresponding to those of section 7, 8 or 9 of this Act ; or
- (b) to the extent that the amount required for the satisfaction of the claim is not required to be available by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act and has not been made available under section 18 of this Act or by means of a relevant foreign contribution.

(3) Any claim by virtue of a duty imposed on any person by section 7, 8, 9 or 10 of this Act—

- (a) to the extent to which, by virtue of subsection (1) or (2) of this section, though duly established, it is not or would not be payable by that person ; or
- (b) which is made after the expiration of the relevant period ; or
- (c) which, being such a claim as is mentioned in section 15(2) of this Act, is made after the expiration of the period of twenty years so mentioned ; or
- (d) which is a claim the full satisfaction of which out of funds otherwise required to be, or to be made, available for the purpose is prevented by section 21(1) of this Act,

shall be made to the appropriate authority, that is to say—

- (i) in the case of a claim by virtue of the said section 8, the Minister of Technology ;
- (ii) in the case of a claim by virtue of the said section 9 (other than a claim in connection with a site used by a department of the Government of Northern Ireland), the Minister in charge of the government department concerned ;
- (iii) in any other case, the Minister,

and, if established to the satisfaction of the appropriate authority, and to the extent to which it cannot be satisfied out of sums made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, shall be satisfied by the appropriate authority to such extent and out of funds provided by such means as Parliament may determine.

(4) Where in pursuance of subsection (3) of this section a claim has been made to the appropriate authority, any question affecting the establishment of the claim or as to the amount of any compensation in satisfaction of the claim may, if the authority thinks fit, be referred for decision to the appropriate court, that is to say, to whichever of the High Court, the Court of Session and the High Court of Justice in Northern Ireland would, but for the provisions of this section, have had jurisdiction in accordance with section 17(1) and (2) of this Act to determine the claim; and the claimant may appeal to that court from any decision of the authority on any such question which is not so referred; and on any such reference or appeal—

(a) the authority shall be entitled to appear and be heard; and

(b) notwithstanding anything in any Act, the decision of the court shall be final.

(5) In this section, the expression “the relevant period” means the period of ten years beginning with the relevant date within the meaning of section 15(1) of this Act.

Jurisdiction,
shared liability
and foreign
judgments.

17.—(1) No court in the United Kingdom or any part thereof shall have jurisdiction to determine any claim or question under this Act certified by the Minister to be a claim or question which, under any relevant international agreement, falls to be determined by a court of some other relevant territory or, as the case may be, of some other part of the United Kingdom; and any proceedings to enforce such a claim which are commenced in any court in the United Kingdom or, as the case may be, that part thereof shall be set aside.

(2) Where under the foregoing subsection the Minister certifies that any claim or question falls to be determined by a court in a particular part of the United Kingdom, that certificate shall be conclusive evidence of the jurisdiction of that court to determine that claim or question.

(3) Where by virtue of any one or more of the following, that is to say, sections 7, 8, 9 and 10 of this Act and any relevant foreign law made for purposes corresponding to those of any of those sections, liability in respect of the same injury or damage is incurred by two or more persons, then, for the purposes of any proceedings in the United Kingdom relating to that injury or damage, including proceedings for the enforcement of a

judgment registered under the Foreign Judgments (Reciprocal 1933 c. 13. Enforcement) Act 1933—

- (a) both or all of those persons shall be treated as jointly and severally liable in respect of that injury or damage ; and
- (b) until claims against each of those persons in respect of the occurrence by virtue of which the person in question is liable for that injury or damage have been satisfied—

- (i) in the case of a licensee, the Authority or the Crown, up to an aggregate amount of five million pounds ; or

- (ii) in the case of a relevant foreign operator, up to such aggregate amount, not being less than one and three-quarter million pounds, as may be provided for by the relevant foreign law made for purposes corresponding to those of section 19(1) of this Act,

no sums in excess of those required for the purposes of sub-paragraph (i) of this paragraph shall be required to be made available under section 18 of this Act for the purpose of paying compensation in respect of that injury or damage.

(4) Part I of the said Act of 1933 shall apply to any judgment given in a court of any foreign country which is certified by the Minister to be a relevant foreign judgment for the purposes of this Act, whether or not it would otherwise have so applied, and shall have effect in relation to any judgment so certified as if in section 4 of that Act subsections (1)(a)(ii), (2) and (3) were omitted.

(5) It shall be sufficient defence to proceedings in the United Kingdom against any person for the recovery of a sum alleged to be payable under a judgment given in a country outside the United Kingdom for that person to show that—

- (a) the sum in question was awarded in respect of injury or damage of a description which is the subject of a relevant international agreement ; and
- (b) the country in question is not a relevant territory ; and
- (c) the sum in question was not awarded in pursuance of any of the international conventions referred to in the Acts mentioned in section 12(4) of this Act.

(6) Where, in the case of any claim by virtue of section 10 of this Act, the relevant foreign operator is the government of a relevant territory, then, for the purposes of any proceedings brought in a court in the United Kingdom to enforce that claim, that government shall be deemed to have submitted to the

jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this subsection shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of that government.

Cover for compensation

General
cover for
compensation
by virtue of
ss. 7 to 10.

18.—(1) In the case of any occurrence in respect of which one or more persons incur liability by virtue of section 7, 8, 9 or 10 of this Act or by virtue of any relevant foreign law made for purposes corresponding to those of any of those sections, but subject to subsections (2) and (3) of this section and to sections 17(3)(b) and 21 (1) of this Act, there shall be made available out of moneys provided by Parliament such sums as, when aggregated—

(a) with any funds required by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act to be available for the purpose of satisfying claims in respect of that occurrence against any licensee or relevant foreign operator; and

(b) in the case of a claim by virtue of any such foreign law, with any relevant foreign contributions towards the satisfaction of claims in respect of that occurrence, may be necessary to ensure that all claims in respect of that occurrence made within the relevant period and duly established, excluding, but without prejudice to, any claim in respect of interest or costs, are satisfied up to an aggregate amount of forty-three million pounds.

(2) Subsection (1) of this section shall not apply to any claim by virtue of such a relevant foreign law as is mentioned in that subsection in respect of injury or damage incurred within the territorial limits of a country which is not a relevant territory or to any claim such as is mentioned in section 15(2) of this Act which is not made within the period of twenty years so mentioned.

(3) Where any claim such as is mentioned in subsection (1) of this section is satisfied wholly or partly out of moneys provided by Parliament under that subsection, there shall also be made available out of moneys so provided such sums as are necessary to ensure the satisfaction of any claim in respect of interest or costs in connection with the first-mentioned claim.

(4) In relation to liability by virtue of any relevant foreign law—

(a) there shall be left out of account for the purposes of subsection (1) of this section any claim which, though made within the relevant period, was made after the

expiration of any period of limitation imposed by that law and permitted by a relevant international agreement ;

- (b) unless that law provides a maximum aggregate amount of compensation in respect of the occurrence in question equivalent to forty-three million pounds and so provides in pursuance of a relevant international agreement, the said subsection (1) shall have effect in relation to that occurrence as if for the reference to forty-three million pounds there were substituted a reference to five million pounds.

(5) Any sums received by the Minister by way of a relevant foreign contribution towards the satisfaction of any claim by virtue of section 7, 8, 9 or 10 of this Act shall be paid into the Exchequer.

(6) In this section, the expression " the relevant period " has the same meaning as in section 16 of this Act.

19.—(1) Subject to section 3(5) of this Act and to sub-section (3) of this section, where a nuclear site licence has been granted in respect of any site, the licensee shall make such provision (either by insurance or by some other means) as the Minister may with the consent of the Treasury approve for sufficient funds to be available at all times to ensure that any claims which have been or may be duly established against the licensee as licensee of that site by virtue of section 7 of this Act or any relevant foreign law made for purposes corresponding to those of section 10 of this Act (excluding, but without prejudice to, any claim in respect of interest or costs) are satisfied up to an aggregate amount of five million pounds in respect of each severally of the following periods, that is to say—

Special cover for licensee's liability.

- (a) the current cover period, if any ;
- (b) any cover period which ended less than ten years before the time in question ;
- (c) any earlier cover period in respect of which a claim remains to be disposed of, being a claim made—
- (i) within the relevant period within the meaning of section 16 of this Act ; and
- (ii) in the case of a claim such as is mentioned in section 15(2) of this Act, also within the period of twenty years so mentioned ;

and for the purposes of this section the cover period in respect of which any claim is to be treated as being made shall be that in which the beginning of the relevant period aforesaid fell.

(2) In this Act, the expression "cover period" means the period of the licensee's responsibility or, if a direction has been given in respect of the site under subsection (4) of this section, any of the following periods, that is to say—

- (a) the period beginning with the grant of the nuclear site licence and ending with the date specified in the first such direction ;
- (b) the period beginning with the date specified in any such direction and ending with the date specified in the next such direction, if any ;
- (c) the period beginning with the date specified in the last such direction and ending with the ending of the period of the licensee's responsibility ;

and for the purposes of this definition the period of the licensee's responsibility shall be deemed to include any time after the expiration of that period during which it remains possible for the licensee to incur any liability by virtue of section 7(2)(b) or (c) of this Act, or by virtue of any relevant foreign law made for purposes corresponding to those of section 10 of this Act.

(3) Where in the case of any licensed site the provision required by subsection (1) of this section is to be made otherwise than by insurance and, apart from this subsection, provision would also fall to be so made by the same person in respect of two or more other sites, the requirements of that subsection shall be deemed to be satisfied in respect of each of those sites if funds are available to meet such claims as are mentioned in that subsection in respect of all the sites collectively, and those funds would for the time being be sufficient to satisfy the requirements of that subsection in respect of those two of the sites in respect of which those requirements are highest :

Provided that the Minister may in any particular case at any time direct either that this subsection shall not apply or that the funds available as aforesaid shall be of such amount higher than that provided for by the foregoing provisions of this subsection, but lower than that necessary to satisfy the requirements of the said subsection (1) in respect of all the sites severally, as may be required by the direction.

(4) Where, by reason of the gravity of any occurrence which has resulted or may result in claims such as are mentioned in subsection (1) of this section against a licensee as licensee of a particular licensed site, or having regard to any previous occurrences which have resulted or may result in such claims against the licensee, the Minister thinks it proper so to do, he shall by notice in writing to the licensee direct that a new cover period for the purposes of the said subsection (1) shall begin in respect of that site on such date not earlier than two months

after the date of the service of the notice as may be specified therein.

(5) If at any time while subsection (1) of this section applies in relation to any licensed site the provisions of that subsection are not complied with in respect of that site, the licensee shall be guilty of an offence and be liable—

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

20.—(1) In the case of each licensed site, the licensee shall give notice in writing to the Minister forthwith upon its appearing to the licensee that the aggregate amount of any claims such as are mentioned in section 19(1) of this Act made in respect of any cover period falling within the period of the licensee's responsibility has reached three million pounds ; and where the licensee has given such a notice, no payment by way of settlement of any claim in respect of the cover period in question by agreement between the licensee and the claimant shall be made except after consultation with the Minister and in accordance with the terms of any direction which the Minister may give to the licensee in writing with respect to any particular claim.

Furnishing of information relating to licensee's cover.

(2) If in the case of any licensed site any cover period falling within the period of the licensee's responsibility has ended, the licensee shall not later than 31st January in each year send to the Minister in writing a statement showing the date when that cover period ended and the following particulars of any claims in respect of that cover period as at the beginning and end respectively of the last preceding calendar year, that is to say—

- (a) the aggregate number of claims received ;
- (b) the aggregate number of claims established ; and
- (c) the aggregate number and aggregate amount of claims satisfied.

(3) The Minister shall as soon as may be lay before each House of Parliament a copy of any notice received by him under subsection (1) of this section and a report (in such form as, having regard to section 16 of this Act, he may consider appropriate) with respect to any statements received by him under subsection (2) of this section.

(4) Any person by whom any funds such as are mentioned in section 19(1) of this Act for the time being fall to be provided shall give to the Minister not less than two months notice in writing before ceasing to keep those funds available and, notwithstanding any such notice, so far as those funds relate to nuclear matter for the time being in the course of carriage, shall not so cease while that carriage continues.

Supplementary provisions with respect to cover for compensation in respect of carriage.

21.—(1) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for that carriage is duly established—

(a) against any person by virtue of section 7, 8, 9 or 10 of this Act; or

(b) against a licensee, the Authority or the Crown by virtue of any relevant foreign law made for purposes corresponding to those of the said section 10,

then, without prejudice to any right of the claimant to the satisfaction of that claim, no payment towards its satisfaction shall be made out of funds which are required to be available for the purpose by, or by any relevant foreign law made for purposes corresponding to those of, section 19(1) of this Act, or which have been made available for the purpose under section 18 of this Act or by means of a relevant foreign contribution, such as to prevent the satisfaction out of those funds up to an aggregate amount of one and three-quarter million pounds of all claims which have been or may be duly established against the same person in respect of injury or damage caused by that occurrence other than damage to the said means of transport.

(2) Where, in the case of an occurrence involving nuclear matter in the course of carriage, a claim in respect of damage to the means of transport being used for that carriage is duly established against a relevant foreign operator by virtue of section 10 of this Act, but by virtue of section 16(2)(a) thereof that operator is not required to make a payment in satisfaction of the claim, section 12(1)(b) of this Act shall not apply to any liability of that operator with respect to the damage in question apart from this Act.

(3) Where any nuclear matter is to be carried by, or on behalf or with the agreement of, a licensee, the Authority, a government department or a relevant foreign operator in such circumstances that, while the matter is in the course of that carriage, the licensee, the Authority, the Crown or the operator, as the case may be (in this and the next following subsection referred to as "the responsible party") may incur liability by virtue of section 7, 8, 9 or 10 of this Act or by virtue of any relevant

foreign law made for purposes corresponding to those of the said section 10, the responsible party shall, before the carriage is begun, cause to be delivered to the person who is to carry that matter a document issued by or on behalf of the appropriate person mentioned in the next following subsection (in this subsection referred to as "the guarantor") which shall contain such particulars as may be prescribed of the responsible party, of that nuclear matter and carriage, and of the funds available in pursuance of, or of the relevant foreign law made for purposes corresponding to those of, section 18 or 19(1) of this Act to satisfy any claim by virtue of that liability, and the guarantor shall be debarred from disputing in any court any of the particulars stated in that document; and if in any case there is a wilful failure to comply with this subsection, the responsible party (except where that party is the Crown), and also, if the carrier knew or ought to have known the matter carried to be such matter for carriage in such circumstances as aforesaid, the carrier, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

(4) The person by whom or on whose behalf the document referred to in the last foregoing subsection is to be issued shall be—

- (a) where the responsible party is a licensee, the person by whom there fall to be provided the funds required by section 19(1) of this Act to be available to satisfy any claim in respect of the carriage in question;
- (b) where the responsible party is the Authority, the Minister of Technology;
- (c) where the responsible party is the Crown, the Minister in charge of the government department concerned;
- (d) where the responsible party is a relevant foreign operator, the person by whom there fall to be provided the funds required by the relevant foreign law made for purposes corresponding to those of section 18 or 19(1) of this Act to be made available to satisfy any claim in respect of the carriage in question.

(5) The requirements of Part VI of the Road Traffic Act 1960 c. 16, 1960 (which relates to compulsory insurance or security against third-party risks of users of motor vehicles) shall not apply in relation to any injury to any person for which any person is liable by virtue of section 7, 8, 9 or 10 of this Act.

Miscellaneous and general

22.—(1) The provisions of this section shall have effect on the happening of any occurrence of any such class or description as may be prescribed, being an occurrence—

- (a) on a licensed site; or

Reporting of
and inquiries
into dangerous
occurrences.

(b) in the course of the carriage of nuclear matter on behalf of any person where a duty with respect to that carriage is imposed on that person by section 7, 10 or 11 of this Act.

(2) The licensee or person aforesaid shall cause the occurrence to be reported forthwith in the prescribed manner to the Minister and to such other persons, if any, as may be prescribed in relation to occurrences of that class or description, and if the occurrence is not so reported the licensee or person aforesaid shall be guilty of an offence and be liable on summary conviction—

(a) in the case of a first offence under this subsection, to a fine not exceeding fifty pounds ;

(b) in the case of a second or subsequent offence under this subsection, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both.

(3) For the purposes of subsection (2) of this section, a conviction under section 6(2) of the Act of 1959 shall be deemed to be a conviction under subsection (2) of this section.

(4) The Minister may at any time direct an inspector to make a special report with respect to the occurrence, and the Minister may cause any such report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be made public at such time and in such manner as he thinks fit.

(5) The Minister may, where he thinks it expedient so to do, direct an inquiry to be held in accordance with the provisions of the Schedule to this Act into the occurrence and its causes, circumstances and effects ; and any such inquiry shall be held in public except where or to the extent that it appears to the Minister expedient in the interests of national security to direct otherwise.

(6) Where, in the case of an occurrence in Scotland which causes the death of any person, the Minister directs an inquiry to be held into the occurrence under subsection (5) of this section, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act 1895.

1895 c. 36.

Registration
in connection
with certain
occurrences.

23.—(1) Without prejudice to any right of any person to claim against any person by virtue of any of sections 7 to 11 of this Act, the appropriate authority may, on the happening of any occurrence in respect of which liability may be incurred by virtue of any of those sections, by order make provision for enabling such particulars of any person shown to have been within such area during such period (being the period during which the

occurrence took place) as may be specified in the order to be registered by or on behalf of that person in such manner as may be so specified, and any such registration in respect of any person shall be sufficient evidence of his presence within that area during that period unless the contrary is proved; and any such order shall be made by statutory instrument and be laid before Parliament after being made.

(2) In the foregoing subsection, the expression "the appropriate authority" means, in relation to any occurrence, the authority hereinafter specified in relation to the person against whom any claim in respect of that occurrence falls to be made, that is to say—

- (a) where that person is the Authority, the Minister of Technology;
- (b) where that person is the Crown, the Minister in charge of the government department concerned;
- (c) in any other case, the Minister.

24.—(1) The Minister may appoint as inspectors to assist him Inspectors. in the execution of this Act such number of persons appearing to him to be qualified for the purpose as he may from time to time consider necessary or expedient, and may make to or in respect of any person so appointed such payments by way of remuneration, allowances or other payments as the Minister may with the approval of the Treasury determine.

(2) Any such inspector may, for the purposes of the execution of this Act, and subject to production, if so requested, of written evidence of his authority—

- (a) subject to subsection (3) of this section, enter—
 - (i) at all reasonable times during the period of the licensee's responsibility, upon any premises comprised in any licensed site; or
 - (ii) at all reasonable times, upon any premises comprised in any site which is being used for such purposes that, but for regulations made by virtue of section 1(2) of this Act, a nuclear site licence would be required in respect thereof,

with such equipment, and carry out such tests and inspections, as the inspector may consider necessary or expedient;

- (b) require—
 - (i) the licensee of any licensed site; or
 - (ii) the person using any site as mentioned in paragraph (a)(ii) of this subsection; or

(iii) any person with duties on or in connection with any licensed site or any site being used as aforesaid,

to provide the inspector with such information, or to permit him to inspect such documents, relating to the use of the site as the inspector may specify ;

- (c) enter any place, vehicle, vessel or aircraft involved in any such occurrence as is mentioned in section 22(1) of this Act with such equipment, and carry out such tests and inspections, as he may consider necessary or expedient ;
- (d) require the licensee or other person referred to in the said section 22(1) concerned in any such occurrence and any other person with duties concerning the nuclear matter involved in the occurrence to provide him with such information, or to permit him to inspect such documents, relating to the nuclear matter as the inspector may specify.

(3) Before carrying out any test in pursuance of his powers under subsection (2) (a) of this section, the inspector shall consult with such persons having duties upon the site as may appear to him appropriate in order to secure that the carrying out of the test does not create any danger.

(4) Any person who obstructs an inspector in the exercise of his powers under subsection (2) (a) or (c) of this section or who refuses or without reasonable excuse fails to provide any information or to permit any inspection reasonably required by the inspector under subsection (2)(b) or (d) thereof shall be guilty of an offence and be liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both.

(5) Any person who, without the authority of the Minister, discloses any information obtained in the exercise of powers under this Act shall be guilty of an offence and be liable—

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

(6) In such cases and to such extent as it may appear to the Minister, with the agreement of the Treasury, to be appropriate so to do, the Minister shall require a licensee to repay to the

Minister such part as may appear to the Minister to be attributable to the nuclear installations in respect of which nuclear site licences have been granted to that licensee of—

- (a) any sums paid by the Minister under subsection (1) of this section ; and
- (b) any expenses, being—
 - (i) expenses incurred by the Minister ; or
 - (ii) expenses incurred by any other government department in connection with the Ministry of Power ; or
 - (iii) such sums as the Treasury may determine in respect of the use for the purposes of that Ministry of any premises belonging to the Crown, which the Minister may, with the consent of the Treasury, determine to be incurred in connection with the exercise by the Minister of his powers under the said subsection (1),

and the licensee shall comply with such requirement ; and any sums so repaid to the Minister shall be paid into the Exchequer.

(7) Any liability of a licensee in respect of sums payable by him under subsection (6) of this section on account of pensions shall, if the Minister so determines, be satisfied by way of contributions calculated, at such rate as may be determined by the Treasury, by reference to remuneration.

25.—(1) Where a body corporate is guilty of an offence under any of the provisions of this Act and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly ; and where the body corporate was guilty of the offence in the capacity of licensee under a nuclear site licence, he shall be so liable as if he, as well as the body corporate, were the licensee.

Offences—
general.

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

(2) Where a body corporate is convicted on indictment of an offence under any of the following provisions of this Act, that is to say, sections 1(3), 2(2), 4(6), 5(4) and 19(5), so much of the provision in question as limits the amount of the fine which may be imposed shall not apply, and the body corporate shall be liable to a fine of such amount as the court thinks just.

(3) Proceedings in respect of any offence under this Act shall not be instituted in England or Wales except by the Minister or by or with the consent of the Director of Public Prosecutions.

Interpretation. 26.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

- 1959 c. 46. “the Act of 1959” means the Nuclear Installations (Licensing and Insurance) Act 1959;
- 1946 c. 80. “atomic energy” has the meaning assigned by the Atomic Energy Act 1946;
- “the Authority” means the United Kingdom Atomic Energy Authority;
- “contravention”, in relation to any enactment or to any condition imposed or direction given thereunder, includes a failure to comply with that enactment, condition or direction, and cognate expressions shall be construed accordingly;
- “costs” in the application of this Act to Scotland, means expenses;
- “cover period” has the meaning assigned by section 19(2) of this Act;
- “excepted matter” means nuclear matter consisting only of one or more of the following, that is to say—
- (a) isotopes prepared for use for industrial, commercial, agricultural, medical or scientific purposes;
 - (b) natural uranium;
 - (c) any uranium of which isotope 235 forms not more than 0.72 per cent.;
 - (d) nuclear matter of such other description, if any, in such circumstances as may be prescribed (or, for the purposes of the application of this Act to a relevant foreign operator, as may be excluded from the operation of the relevant international agreement by the relevant foreign law);

“home territory”, in relation to a relevant foreign operator, means the relevant territory in which, for the purposes of a relevant international agreement, he is the operator of a relevant installation ;

“injury” means personal injury and includes loss of life ;

“inspector” means an inspector appointed under section 24 of this Act ;

“licensed site” means a site in respect of which a nuclear site licence has been granted, whether or not that licence remains in force ;

“licensee” means a person to whom a nuclear site licence has been granted, whether or not that licence remains in force ;

“the Minister” means—

(a) in the application of this Act to England and Wales, the Minister of Power ;

(b) in the application of this Act to Scotland, the Secretary of State ;

“nuclear installation” means a nuclear reactor or an installation such as is mentioned in section 1(1)(b) of this Act ;

“nuclear matter” means, subject to any exceptions which may be prescribed—

(a) any fissile material in the form of uranium metal, alloy or chemical compound (including natural uranium), or of plutonium metal, alloy or chemical compound, and any other fissile material which may be prescribed ; and

(b) any radioactive material produced in, or made radioactive by exposure to the radiation incidental to, the process of producing or utilising any such fissile material as aforesaid ;

“nuclear reactor” means any plant (including any machinery, equipment or appliance, whether affixed to land or not) designed or adapted for the production of atomic energy by a fission process in which a controlled chain reaction can be maintained without an additional source of neutrons ;

“nuclear site licence” has the meaning assigned by section 1 (1) of this Act ;

“occurrence” in sections 16(1), 17(3) and 18 of this Act—

(a) in the case of a continuing occurrence, means the whole of that occurrence ; and

(b) in the case of an occurrence which is one of a succession of occurrences all attributable to a particular happening on a particular relevant site or to the carrying out from time to time on a particular relevant site of a particular operation, means all those occurrences collectively ;

“ period of responsibility ”, in relation to a licensee, has the meaning assigned by section 5 (3) of this Act ;

“ prescribed ” means prescribed by regulations made by the Minister of Power and the Secretary of State acting jointly, which shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament ;

“ relevant carriage ”, in relation to nuclear matter, means carriage on behalf of—

(a) a licensee as the licensee of a particular licensed site ; or

(b) the Authority ; or

(c) a government department for the purposes of such use of a site by that department as is mentioned in section 9 of this Act ; or

(d) a relevant foreign operator ; or

(e) a person authorised to operate a nuclear reactor which is comprised in a means of transport and in which the nuclear matter in question is intended to be used ;

“ relevant foreign contribution ”, in relation to any claim, means any sums falling by virtue of any relevant international agreement to be paid by the government of any relevant territory other than the United Kingdom towards the satisfaction of that claim ;

“ relevant foreign judgment ” means a judgment of a court of a relevant territory other than the United Kingdom which, under a relevant international agreement, is to be enforceable anywhere within the relevant territories ;

“ relevant foreign law ” means the law of a relevant territory other than the United Kingdom or any part thereof regulating in accordance with a relevant international agreement matters falling to be so regulated and, in relation to a particular relevant foreign operator, means the law such as aforesaid of his home territory ;

“relevant foreign operator” means a person who, for the purposes of a relevant international agreement, is the operator of a relevant installation in a relevant territory other than the United Kingdom ;

“relevant installation” means an installation to which a relevant international agreement applies ;

“relevant international agreement” means an international agreement with respect to third-party liability in the field of nuclear energy to which the United Kingdom or Her Majesty’s Government therein are party, other than an agreement relating to liability in respect of nuclear reactors comprised in means of transport ;

“relevant site” means any of the following, that is to say—

(a) a licensed site at any time during the period of the licensee’s responsibility ;

(b) any premises at any time when they are occupied by the Authority ;

(c) any site at any time when it is occupied by a government department, if that site is being or has been used by that department as mentioned in section 9 of this Act ;

(d) any site in a relevant territory other than the United Kingdom at any time when that site is being used for the operation of a relevant installation by a relevant foreign operator ;

“relevant territory” means a country for the time being bound by a relevant international agreement ;

“territorial limits” includes territorial waters.

(2) References in this Act to the carriage of nuclear matter shall be construed as including references to any storage incidental to the carriage of that matter before its delivery at its final destination.

(3) Any question arising under this Act as to whether—

(a) any person is a relevant foreign operator ; or

(b) any law is the relevant foreign law with respect to any matter ; or

(c) any country is for the time being a relevant territory, shall be referred to and determined by the Minister.

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

Northern
Ireland.

27.—(1) In the application to Northern Ireland of the following provisions of this Act (hereafter in this section referred to as “the designated provisions”), that is to say, sections 1 to 6 and 22 to 24 and the Schedule—

(a) any reference to the Minister shall be construed as a reference to the Minister of Commerce for Northern Ireland ;

(b) the expression “prescribed” shall mean prescribed by regulations made by the said Minister of Commerce, which shall be subject to negative resolution within the meaning of section 41 (6) of the Interpretation Act (Northern Ireland) 1954 ;

(c) any reference to the Treasury shall be construed as a reference to the Ministry of Finance for Northern Ireland ;

(d) any reference to Parliament shall be construed as a reference to the Parliament of Northern Ireland ;

(e) for section 3 (3) (b) and (c) there shall be substituted the following, that is to say—

“(b) any board of conservators for a fishery district constituted under the Fisheries Acts (Northern Ireland) 1842 to 1954 and any statutory water undertaking within the meaning of the Water Supplies and Sewerage Act (Northern Ireland) 1945” ;

(f) section 23(1) shall have effect as if the words “be made by statutory instrument and” were omitted ;

(g) in section 24(6)—

(i) references to the Ministry of Power or to the Crown shall be construed as references respectively to the Ministry of Commerce for Northern Ireland or to the Crown in right of Her Majesty’s Government in Northern Ireland ;

(ii) for the words from “and any sums” onwards there shall be substituted the words “and any sums so repaid to the Ministry of Commerce shall be treated as part of the revenues of that Ministry” ;

1954 c. 33
(N.I.).

1945 c 17
(N.I.).

(h) in the Schedule, any reference to a master of the Supreme Court or to the High Court shall be construed respectively as a reference to the taxing master of the Supreme Court of Northern Ireland or to a judge of the High Court of Justice in Northern Ireland.

(2) In the application to Northern Ireland of any provision of this Act other than the designated provisions—

(a) any reference to the Minister shall be construed as a reference to the Minister of Power ;

(b) any reference to an enactment of the Parliament of the United Kingdom shall be construed as a reference to that enactment as it applies in Northern Ireland ;

(c) any reference to a government department shall be construed as including a reference to a department of the Government of Northern Ireland.

(3) In relation to a department of the Government of Northern Ireland using any site as mentioned in section 9 of this Act—

(a) references in this Act to the Crown shall be construed as references to the Crown in right of Her Majesty's Government in Northern Ireland ;

(b) references in this Act to the Minister in charge of that department shall be construed as references to the Minister of the Government of Northern Ireland so in charge.

(4) In the application to Northern Ireland of section 21(5) of this Act, the reference to Part VI of the Road Traffic Act 1960 shall be construed as a reference to Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1930 as amended or re-enacted (with or without modification) by any subsequent enactment of the Parliament of Northern Ireland for the time being in force. 1960 c. 16.
1930 c. 24
(N.I.).

(5) Proceedings in respect of any offence under this Act shall not be instituted in Northern Ireland except—

(a) in the case of an offence under any of the designated provisions, by the said Minister of Commerce ; or

(b) in the case of any other offence, by the Minister of Power ; or

(c) in either case, by or with the consent of the Attorney General for Northern Ireland.

(6) Nothing in this Act shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of this Act until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

1920 c. 67.

(7) For the purposes of section 6 of the Government of Ireland Act 1920, the designated provisions and, so far as they relate to those provisions, section 25 of this Act and this section shall be deemed to have been passed before the appointed day within the meaning of the said section 6.

Channel
Islands, Isle of
Man, etc.

28.—(1) Her Majesty may by Order in Council direct that any of the provisions of this Act specified in the Order shall extend, with such exceptions, adaptations and modifications as may be so specified, to any of the Channel Islands, to the Isle of Man or to any other territory outside the United Kingdom for the international relations of which Her Majesty's Government in the United Kingdom are responsible.

(2) Any Order in Council made by virtue of this section may be varied or revoked by any subsequent Order in Council so made.

Repeals and
savings.
1959 c. 46.
1965 c. 6.

29.—(1) The Nuclear Installations (Licensing and Insurance) Act 1959 and the Nuclear Installations (Amendment) Act 1965 except for section 17(2) of the said Act of 1965 are hereby repealed.

(2) Anything done under or by virtue of any enactment repealed by this Act shall be deemed for the purposes of this Act to have been done under or by virtue of the corresponding provision of this Act, and anything begun under any of the enactments so repealed may be continued under the corresponding provision of this Act.

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

1889 c. 63.

(4) Nothing in this section shall be construed as affecting the general application of section 38 of the Interpretation Act 1889 with respect to the effect of repeals.

Short title
and com-
mencement.

30.—(1) This Act may be cited as the Nuclear Installations Act 1965.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint; and a later day may be appointed for the purposes of section 17(5) than that appointed for the purposes of the other provisions of this Act.

SCHEDULE

Section 22(5).

INQUIRIES UNDER S. 22(5)

1. An inquiry in pursuance of a direction under section 22(5) of this Act with respect to any occurrence shall be held by a competent person appointed by the Minister, and that person may conduct the inquiry either alone or with the assistance of an assessor or assessors so appointed.

2. The Minister may pay to the person appointed to hold the inquiry and to any assessor appointed to assist him such remuneration and allowances as the Minister may, with the approval of the Treasury, determine.

3. The person appointed to hold the inquiry (hereafter in this Schedule referred to as "the court") shall hold the inquiry in such manner and under such conditions as the court thinks most effectual for ascertaining the causes, circumstances and effects of the occurrence and for enabling the court to make the report hereafter in this Schedule mentioned.

4. The court shall, for the purposes of the inquiry, have power—

- (a) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes ;
- (b) by summons signed by the court to require any person to attend, at such time and place as is specified in the summons, to give evidence or produce any documents in his custody or under his control which the court considers it necessary for the purposes of the inquiry to examine ;
- (c) to require a person appearing at the inquiry to furnish to any other person appearing thereat, on payment of such fee, if any, as the court thinks fit, a copy of any document offered, or proposed to be offered, in evidence by the first-mentioned person ;
- (d) to take evidence on oath, and for that purpose to administer oaths, or, instead of administering an oath, to require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined ;
- (e) to adjourn the inquiry from time to time ; and
- (f) subject to the foregoing sub-paragraphs, to regulate the procedure of the court.

5. A person attending as a witness before the court shall be entitled to be paid by the Minister such expenses as would be allowed to a witness attending on subpoena before a court of record, and any dispute as to the amount to be so allowed shall be referred by the court to a master of the Supreme Court who, on request signed by the court, shall ascertain and certify the proper amount of the expenses.

6. The court shall make a report to the Minister stating the causes, circumstances and effects of the occurrence, adding any observations which the court thinks it right to make, and the Minister shall cause copies of the report, or so much thereof as it is not in his opinion inconsistent with the interests of national security to disclose, to be laid before Parliament.

7. If any person—

(a) without reasonable excuse (proof whereof shall lie on him), and after having the expenses (if any) to which he is entitled tendered to him, fails to comply with any summons or requisition of the court; or

(b) does any other thing which would, if the court had been a court of law having power to commit for contempt, have been contempt of that court,

the court may, by instrument signed by the court, certify the offence of that person to the High Court or, in Scotland, the Court of Session, and the High Court or Court of Session may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court or, as the case may be, the Court of Session.

8. In the application of this Schedule to Scotland, for references to a master of the Supreme Court, to a witness attending on subpoena before a court of record, and to a summons there shall be respectively substituted references to the Auditor of the Court of Session, to a witness attending on citation the High Court of Justiciary, and to an order.



Ministerial Salaries Consolidation Act 1965

1965 CHAPTER 58

An Act to consolidate the enactments relating to the salaries of Ministers, the pensions of Prime Ministers, the salaries of Opposition Leaders and Chief Whips and other matters connected therewith.

[5th August 1965]

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

1.—(1) Subject to the provisions of this Act, there shall be ^{Salaries of} paid to the holder of any Ministerial office specified in Schedule 1 ^{Ministers.} to this Act an annual salary of the amount stated in relation to that office in the second column of that Schedule.

(2) The annual amount of the salary payable under this section—

- (a) to a Minister of State or to the Chief Secretary to the Treasury ;
- (b) to the holder of the office of Lord President of the Council, Lord Privy Seal, Chancellor of the Duchy of Lancaster or Paymaster General when not a Member of the Cabinet,

shall be such as the First Lord of the Treasury may determine, not exceeding in any case the amount stated in the second column of the said Schedule.

(3) The date upon which the holder of any office described in subsection (2)(b) of this section becomes or ceases to be a Member of the Cabinet shall be published in the London Gazette, and any such notification shall be conclusive evidence for the purposes of that subsection.

Number of holders of offices to whom salaries may be paid.

2.—(1) The number of persons to whom salaries may be paid at any time as holders of the office of Secretary of State shall not exceed nine.

(2) The number of persons to whom salaries may be paid at any time as Ministers of State shall not exceed nineteen.

(3) The number of persons to whom salaries may be paid at any time—

(a) as Treasury Secretaries, shall not exceed two,

(b) as Junior Lords of the Treasury, shall not exceed five,

(c) as Assistant Government Whips in the House of Commons, shall not exceed six,

(d) as Lords in Waiting, shall not exceed three.

(4) The number of persons to whom salaries may be paid at any time as Parliamentary Secretaries (other than Treasury Secretaries) shall not exceed thirty-six.

Pensions of Prime Ministers.
1868 c. 72.

3.—(1) Subject to subsection (2) of this section, any person who has been Prime Minister and has as First Lord of the Treasury taken the official oath prescribed by section 5 of the Promissory Oaths Act 1868, shall be entitled to a pension of the amount prescribed by this section.

(2) No pension shall be payable under subsection (1) of this section to any person so long as he is in receipt of any salary payable out of the Consolidated Fund of the United Kingdom or the revenues of the Duchy of Lancaster, or any salary payable out of moneys provided by Parliament other than a salary or allowance payable out of moneys so provided in respect of his membership of the House of Commons.

(3) The annual amount of a pension under subsection (1) of this section shall be as follows:—

(a) in the case of a person who ceases to hold office as Prime Minister and First Lord of the Treasury after 31st March 1965, £4,000;

(b) in any other case, £2,000,

1965 c. 11.

but this subsection shall not affect section 17 of the Ministerial Salaries and Members' Pensions Act 1965 (provision for increase of pensions of past Prime Ministers).

(4) On the death of a person who holds or has held office as aforesaid at any time after 31st March 1965, the provisions of sections 8 to 10 of the Ministerial Salaries and Members' Pensions Act 1965 (widows' and dependants' pensions) shall apply as if the deceased had been entitled at the time of his death to a pension under section 7 of that Act of an annual

amount equal to two-thirds of the amount prescribed by subsection (3)(a) of this section, but subject to the following modifications, that is to say—

- (a) any pension under those provisions shall be paid as directed by section 7(3) of this Act and not out of the Members' Contributory Pension Fund ; and
- (b) for any reference in those provisions to the Trustees there shall be substituted a reference to the Treasury.

4.—(1) Subject to subsection (2) of this section, the following annual salaries shall be paid to the Leaders and Chief Whips of the Opposition, that is to say—

**Salaries of
Opposition
Leaders
and Whips.**

- (a) to the Leader of the Opposition in the House of Commons, £4,500, and to the Chief Opposition Whip in that House, £3,750 ;
- (b) to the Leader of the Opposition in the House of Lords, £2,000, and to the Chief Opposition Whip in that House, £1,500.

(2) No salary shall be payable under this section to a person who is in receipt of a pension under section 3(1) of this Act.

(3) In this section “Leader of the Opposition” means, in relation to either House of Parliament, that Member of that House who is for the time being the Leader in that House of the party in opposition to Her Majesty’s Government having the greatest numerical strength in the House of Commons ; and “Chief Opposition Whip” means, in relation to either House of Parliament, the person for the time being nominated as such by the Leader of the Opposition in that House.

(4) If any doubt arises as to which is or was at any material time the party in opposition to Her Majesty’s Government having the greatest numerical strength in the House of Commons, or as to who is or was at any material time the leader in that House of such a party, the question shall be decided for the purposes of this section by the Speaker of the House of Commons, and his decision, certified in writing under his hand, shall be final and conclusive.

(5) If any doubt arises as to who is or was at any material time the Leader in the House of Lords of the said party, the question shall be decided for the purposes of this section by the Lord Chancellor, and his decision, certified in writing under his hand, shall be final and conclusive.

5. A person to whom any salary is payable under this Act shall be entitled to receive only one such salary, but if he is the holder of two or more offices in respect of which a salary is so payable and there is a difference between the salaries

**Provision
against
duplicate
salaries.**

payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

Extension to
Ministers of
Superannua-
tion Act
1949 s. 41.
1949 c. 44.

6. Section 41 of the Superannuation Act 1949 (provision for the payment to civil servants and other persons employed in a civil capacity for the purposes of Her Majesty's Government of gratuities and allowances in respect of injuries incurred or diseases contracted in the discharge of their duties) shall apply in relation to persons holding office in Her Majesty's Government in the United Kingdom as it applies to persons employed in a civil capacity for the purposes of that Government.

Provision
for payment
of salaries
and pensions.

7.—(1) The salaries payable under section 1 of this Act shall be paid out of moneys provided by Parliament and, in the case of those payable in respect of the following offices, that is to say—

- (a) Treasurer, Comptroller and Vice-Chamberlain of Her Majesty's Household ; and
- (b) Captain of the Honorable Corps of Gentlemen at Arms, Captain of the Queen's Bodyguard of the Yeomen of the Guard and Lord in Waiting,

shall be paid out of moneys so provided as part of the expenses of the Treasury.

(2) The sums payable out of moneys provided by Parliament in respect of the salary of the Chancellor of the Duchy of Lancaster shall be reduced by the amount of the salary payable to him otherwise than out of moneys so provided in respect of his office.

(3) The salaries payable under section 4 of this Act and any pension payable under section 3 of this Act shall be charged on and payable out of the Consolidated Fund of the United Kingdom.

Interpretation.

8.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Junior Lord of the Treasury” means any Lord Commissioner of the Treasury other than the First Lord and the Chancellor of the Exchequer ;

“Minister of State” has the same meaning as in the House of Commons Disqualification Act 1957 ;

“Parliamentary Secretary” includes any Parliamentary Under-Secretary of State and the Assistant Postmaster General ;

“Treasury Secretaries” means the Parliamentary Secretary and the Financial Secretary to the Treasury.

1957 c. 20

(2) The amount specified in this Act as being the amount of any salary payable thereunder out of moneys provided by Parliament shall be taken to be the maximum amount so payable, and accordingly, notwithstanding the provisions of this Act as to any such amount, the salary so payable in any year in respect of any office may be of a less amount than that so specified.

9.—(1) The enactments described in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals, consequential amendment and

(2) In section 13(1) of the House of Commons Disqualification Act 1957, in the definition of “ Minister of State ”, for the words “ section 2 of the Ministerial Salaries Act 1946 ” there shall be substituted the words “ section 7(1)(b) of the Ministerial Salaries Consolidation Act 1965 ”. transitional provisions. 1957 c. 20. 1946 c. 55.

(3) The repeal by this Act of section 3 of the Ministerial Salaries Act 1957 shall not affect any warrant issued by virtue of that section under section 41 of the Superannuation Act 1949, and any such warrant shall have effect as if issued by virtue of section 6 of this Act. 1957 c. 47. 1949 c. 44.

(4) Without prejudice to section 38(1) of the Interpretation Act 1889, any reference in any enactment or document to any enactment repealed by this Act shall be construed as a reference to this Act or, as the case may require, the corresponding provision of this Act. 1889 c. 63.

(5) Any Minute of the Treasury regulating the remuneration of the Law Officers of the Crown which was in force on 1st April 1965 shall have effect as if the relevant salary stated in Schedule 1 to this Act were substituted for the salary specified in the Minute.

10. This Act may be cited as the Ministerial Salaries Consolidation Act 1965. Short title.

SCHEDULES

Section 1.

SCHEDULE 1

MINISTERIAL SALARIES

<i>Minister</i>	<i>Salary £</i>
Prime Minister and First Lord of the Treasury	14,000
Chancellor of the Exchequer	8,500
Secretary of State	8,500
Minister of Agriculture, Fisheries and Food	8,500
Minister of Aviation	8,500
Minister of Health	8,500
Minister of Housing and Local Government	8,500
Minister of Labour	8,500
Minister of Land and Natural Resources	8,500
Minister of Overseas Development	8,500
Minister of Pensions and National Insurance	8,500
Postmaster General	8,500
Minister of Power	8,500
Minister of Public Building and Works	8,500
Minister of Technology	8,500
President of the Board of Trade	8,500
Minister of Transport	8,500
Lord President of the Council	8,500
Lord Privy Seal	8,500
Chancellor of the Duchy of Lancaster	8,500
Paymaster General	8,500
Minister of State	8,500
Chief Secretary of the Treasury	8,500
Attorney General	13,000
Solicitor General	9,000
Lord Advocate	8,000
Solicitor General for Scotland	5,625
Parliamentary Secretary to the Treasury	5,625
Financial Secretary to the Treasury	5,625
Captain of the Honorable Corps of Gentlemen-at-Arms...	4,500
Parliamentary Under-Secretary of State	3,750

<i>Minister</i>	<i>Salary</i> £	SCH. 1
Parliamentary Secretaries—		
Ministry of Agriculture, Fisheries and Food	3,750	
Ministry of Aviation	3,750	
Ministry of Health	3,750	
Ministry of Housing and Local Government	3,750	
Ministry of Labour	3,750	
Ministry of Land and Natural Resources	3,750	
Ministry of Overseas Development	3,750	
Ministry of Pensions and National Insurance	3,750	
Ministry of Power	3,750	
Ministry of Public Building and Works	3,750	
Ministry of Technology	3,750	
Board of Trade	3,750	
Ministry of Transport	3,750	
Assistant Postmaster General	3,750	
Captain of the Queen's Bodyguard of the Yeomen of the Guard	3,300	
Treasurer of Her Majesty's Household	3,300	
Comptroller of Her Majesty's Household	3,000	
Vice-Chamberlain of Her Majesty's Household	3,000	
Junior Lord of the Treasury	3,000	
Assistant Whip, House of Commons	3,000	
Lord in Waiting	3,000	

Section 9.

SCHEDULE 2

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8. c. 15.	The Civil List Act 1936.	Section 9.
1 Edw. 8 & 1 Geo. 6. c. 38.	The Ministers of the Crown Act 1937.	The whole Act.
6 & 7 Geo. 6. c. 5.	The Minister of Town and Country Planning Act 1943.	Section 9 so far as it relates to the salary of the Minister.
8 & 9 Geo. 6. c. 19.	The Ministry of Fuel and Power Act 1945.	Section 3(3) so far as it relates to the salary of the Minister. Section 7(1). Schedule 2.
9 & 10 Geo. 6. c. 55.	The Ministerial Salaries Act 1946.	The whole Act.
5 & 6 Eliz. 2. c. 47.	The Ministerial Salaries Act 1957.	The whole Act.
1964 c. 98.	The Ministers of the Crown Act 1964.	Section 2.
1965 c. 11.	The Ministerial Salaries and Members' Pensions Act 1965.	Sections 1 and 2, section 16, Schedule 1 and so much of Schedule 4 as amends the Ministers of the Crown Act 1937.



New Towns Act 1965

1965 CHAPTER 59

An Act to consolidate certain enactments relating to new towns and to matters connected therewith, being (except in the case of section 1(1) of the New Towns Act 1964) those enactments in their application to England and Wales; with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [5th August 1965]

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

New towns and their development corporations

1.—(1) If the Minister is satisfied, after consultation with any local authorities who appear to him to be concerned, that it is expedient in the national interest that any area of land should be developed as a new town by a corporation established under this Act, he may make an order designating that area as the site of the proposed new town. Designation of sites of new towns.

(2) An order under this section may include in the area designated as the site of the proposed new town any existing town or other centre of population; and references in this Act to a new town or proposed new town shall be construed accordingly.

(3) The provisions of Schedule 1 to this Act shall have effect with respect to the procedure to be followed in connection with the making of orders under this section and with respect to the validity and date of operation of such orders.

(4) As soon as may be after an order under this section becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of each county borough or county district in which the land designated by the order, or any part of that land, is situated.

1925 c. 22.

The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this subsection; and in this subsection "prescribed" means prescribed by rules made in exercise of that power.

(5) Section 10(4) of this Act applies where it is proposed to make an order under this section.

(6) Section 53(5) of this Act applies to any order under this section which designates an area as the site of a proposed new town, and to certain orders for extending the area of a new town.

Establishment
of develop-
ment
corporations
for new towns.

2.—(1) For the purposes of the development of each new town the site of which is designated under section 1 of this Act, the Minister shall by order establish a corporation (in this Act called a development corporation) consisting of a chairman, a deputy chairman and such number of other members, not exceeding seven, as may be prescribed by the order; and every such corporation shall be a body corporate by such name as may be prescribed by the order, with perpetual succession and a common seal.

(2) The provisions of Schedule 2 to this Act shall have effect with respect to the constitution and proceedings of any development corporation established under this Act.

(3) Nothing in this Act except the express provision relating to stamp duty in section 48(4) shall be construed as exempting a development corporation from liability for any tax, duty, rate, levy or other charge whatsoever, whether general or local.

Objects and
general powers
of develop-
ment
corporations.

3.—(1) The objects of a development corporation established for the purposes of a new town shall be to secure the laying out and development of the new town in accordance with proposals approved in that behalf under the following provisions of this Act.

(2) Subject to section 4 of this Act, every such corporation shall, for the purpose of securing the laying out and development of the new town as aforesaid, have power—

(a) to acquire, hold, manage and dispose of land and other property;

- (b) to carry out building and other operations ;
- (c) to provide water, electricity, gas, sewerage and other services ;
- (d) to carry on any business or undertaking in or for the purposes of the new town,

and generally to do anything necessary or expedient for the purposes of the new town or for purposes incidental thereto.

(3) Without prejudice to the generality of the powers conferred on development corporations by this Act, a development corporation established for the purposes of a new town—

- (a) may, with the consent of the Minister, contribute such sums as the Minister, with the concurrence of the Treasury, may determine towards expenditure incurred or to be incurred by any local authority or statutory undertakers in the performance, in relation to the new town, of any of their statutory functions, including expenditure so incurred in the acquisition of land ; and
- (b) may, with the like consent, contribute such sums as the Minister, with the like concurrence, may determine by way of assistance towards the provision of amenities for the new town.

(4) For the avoidance of doubt it is hereby declared that subsection (2) above relates only to the capacity of a development corporation as a statutory corporation ; and nothing in this section shall be construed as authorising the disregard by a development corporation of any enactment or rule of law.

(5) For the avoidance of doubt it is hereby also declared—

- (a) that the power of acquiring land conferred by subsection (2) above on a development corporation established for the purposes of a new town includes power to acquire any land within the area of the new town, whether or not it is proposed to develop that particular land ; and
- (b) that the power of disposing of land conferred by that subsection on such a development corporation includes, in relation to any land within the area of the new town, power to dispose of that land whether or not the development of that particular land has been proposed or approved under section 6(1) of this Act.

4.—(1) A development corporation shall not have power to borrow money except by way of advance from the Minister under this Act. Restrictions on powers of development corporations.

(2) Without prejudice to any provision of this Act requiring the consent of the Minister to be obtained for anything to be

done by a development corporation, the Minister may give directions to any such corporation for restricting the exercise by them of any of their powers under this Act or for requiring them to exercise those powers in any manner specified in the directions.

(3) Before giving any directions to a development corporation under subsection (2) above the Minister shall consult with the chairman of the corporation, or, if the chairman is not available, with the deputy chairman, unless he is satisfied that, on account of urgency, such consultation is impracticable.

(4) A transaction between a person and a development corporation acting in purported exercise of their powers under this Act shall not be void by reason only that it was carried out in contravention of a direction given by the Minister under subsection (2) above unless that person had actual notice of that direction.

(5) Without prejudice to section 3(4) of this Act, nothing in this Act shall be construed as authorising a development corporation to carry on any undertaking for the supply of water, electricity or gas, or any railway, light railway, tramway or trolley vehicle undertaking except under the authority of an enactment not contained in this Act specifically authorising them to do so or, in the case of a trolley vehicle undertaking, under the authority of such an enactment or of an order under section 32 of this Act.

Allocation or transfer of new town functions to existing or new development corporation.

5.—(1) If it appears to the Minister, in the case of the area of any new town, that there are exceptional circumstances which render it expedient that the functions of a development corporation under this Act should be performed by the development corporation established for the purposes of any other new town instead of by a separate corporation established for the purpose, he may, instead of establishing such a separate corporation, by order direct that the said functions shall be performed by the development corporation established for the said other new town.

(2) If it appears to the Minister that there are exceptional circumstances which render it expedient that the functions of a development corporation established for the purposes of a new town should be transferred to the development corporation established for the purposes of any other new town, or to a new development corporation to be established for the purposes of the first-mentioned new town, he may by order provide for the dissolution of the first-mentioned corporation and for the transfer of its functions, property, rights and liabilities to the development corporation established for the purposes of the said other new

town, or, as the case may be, to a new corporation established for the purposes of the first-mentioned new town by the order.

(3) Without prejudice to the provisions of this Act with respect to the variation of orders made thereunder, an order under this section providing for the exercise of functions in relation to a new town by the development corporation established for the purposes of another new town, or for the transfer of such functions to such a corporation, may modify the name and constitution of that corporation in such manner as appears to the Minister to be expedient, and for the purposes of this Act that corporation shall be treated as having been established for the purposes of each of those new towns.

(4) Before making an order under this section providing for the transfer of functions from or to a development corporation or for the exercise of any functions by such a corporation, the Minister shall consult with that corporation.

Planning control in new towns

6.—(1) The development corporation established for the purposes of a new town shall from time to time submit to the Minister, in accordance with any directions given by him in that behalf, their proposals for the development of land within the area of the new town, and the Minister, after consultation with the local planning authority within whose area the land is situated, and with any other local authority who appear to him to be concerned, may approve any such proposals either with or without modification. Planning control in new towns.

(2) Without prejudice to the generality of the powers conferred by section 14 of the Town and Country Planning Act 1962, a special development order made by the Minister under that section with respect to the area of a new town may grant permission for any development of land in accordance with proposals approved under subsection (1) above, subject to such conditions, if any, (including conditions requiring details of any proposed development to be submitted to the local planning authority) as may be specified in the order. 1962 c. 38.

(3) It shall be the duty of the Minister to give to a development corporation established under this Act such directions with respect to the disposal of land acquired by them thereunder and with respect to the development by them of such land, as appear to him to be necessary or expedient for securing, so far as practicable, the preservation of any features of special architectural or historic interest, and in particular of buildings included in any list compiled or approved, or having effect as if

1962 c. 38. compiled or approved, under section 32 of the Town and Country Planning Act 1962 (which relates to the compilation or approval by the Minister of lists of buildings of special architectural or historic interest).

(4) In the case of land which forms a frontage to a road, or abuts on or is adjacent to a road, a local highway authority or the Minister of Transport may enter into an agreement with any owner of the land imposing on the land, so far as that owner's interest in the land enables him to bind it, restrictions for controlling the development of the land.

(5) Any restrictions imposed by an agreement under subsection (4) above may be enforced by the local highway authority or the said Minister, as the case may be, against the said owner and any person deriving title under him in the like manner and to the like extent as if that authority or Minister were possessed of, or interested in, adjacent land and as if the agreement had been entered into for the benefit of such land.

Acquisition of land by development corporations and highway authorities

Acquisition
of land by
development
corporations.

7.—(1) The development corporation established for the purposes of a new town may, with the consent of the Minister, acquire by agreement, or may, by means of an order made by the corporation and submitted to and confirmed by the Minister in accordance with the provisions of Part I of Schedule 3 to this Act, be authorised to acquire compulsorily—

- (a) any land within the area of the new town, whether or not it is proposed to develop that particular land;
- (b) any land adjacent to that area which they require for purposes connected with the development of the new town;
- (c) any land, whether adjacent to that area or not, which they require for the provision of services for the purposes of the new town.

(2) A compulsory purchase order under this section shall, in so far as it relates to land—

- (a) which is the property of a local authority, or which is held inalienably by the National Trust, or
- (b) which forms part of a common, open space or fuel or field garden allotment,

be subject to the special provisions of Part IV of the said Schedule 3.

(3) Where a development corporation have been authorised under subsection (1) above to acquire compulsorily land forming

part of a common, open space or fuel or field garden allotment, they may be authorised under that subsection to acquire compulsorily, or may, with the consent of the Minister, acquire by agreement, land for giving in exchange for the land acquired.

(4) The provisions of Part V of the said Schedule 3 shall have effect with respect to the validity and date of operation of compulsory purchase orders under this section.

(5) In relation to operational land of statutory undertakers the foregoing provisions of this section shall have effect subject to section 10 of this Act.

8.—(1) Where the Minister is satisfied that the construction or improvement of a road is needed—

(a) outside the area of a new town, for the purpose of securing the development of land in that area in accordance with proposals approved by the Minister under section 6 of this Act, or

(b) for the purpose of providing proper means of access to such an area,

a local highway authority may be authorised by means of an order made by the authority and submitted to and confirmed by the Minister in accordance with the provisions of Parts I and II of Schedule 3 to this Act, to acquire compulsorily any land as to which the Minister is satisfied that its acquisition by the authority is requisite—

(i) for the construction or improvement of the road, or

(ii) for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting on or adjacent to the road.

(2) Where the Minister of Transport is satisfied that the construction or improvement of a road is needed to supersede a part of a trunk road whose supersession appears to him to be expedient for any such purpose as is mentioned in subsection (1)(a) or (b) above, the said Minister may be authorised, by means of an order made by him in accordance with the provisions of Part III of Schedule 3 to this Act, to acquire compulsorily any land as to which he is satisfied that its acquisition by him is requisite—

(a) for the construction or improvement of the road, or

(b) for carrying out the improvement, or controlling the development, of frontages to the road or of lands abutting on or adjacent to the road.

Acquisition
of land for
highways in
connection
with new
towns.

(3) A compulsory purchase order under this section shall, in so far as it relates to land—

- (a) which is the property of a local authority or which is held inalienably by the National Trust, or
- (b) which forms part of a common, open space or fuel or field garden allotment,

be subject to the special provisions of Part IV of the said Schedule 3.

(4) Where an acquiring authority have been authorised under subsection (1) or subsection (2) above to acquire compulsorily land forming part of a common, open space or fuel or field garden allotment, that authority may be authorised under the same subsection to acquire compulsorily land for giving in exchange for the land acquired.

(5) The provisions of Part V of Schedule 3 to this Act shall have effect with respect to the validity and date of operation of compulsory purchase orders under this section.

(6) A local highway authority may, with the consent of the Minister, acquire by agreement any land which they could be authorised under subsection (1) above to acquire compulsorily.

(7) In relation to operational land of statutory undertakers the foregoing provisions of this section shall have effect subject to section 10 of this Act.

Registration of compulsory purchase orders.

9.—(1) As soon as may be after a compulsory purchase order under section 7 or 8 of this Act becomes operative, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of each county borough or county district in which the land designated by the order, or any part of that land, is situated; and it shall be the duty of the acquiring authority, as soon as may be after a compulsory purchase order has become operative, to notify that fact to the proper officer of any authority (other than themselves) by whom it is required to be registered as aforesaid, and to furnish to him all information relating to the order requisite in that behalf.

1925 c. 22.

(2) The power conferred by section 15(6) of the Land Charges Act 1925 to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section; and in this section “prescribed” means prescribed by rules made in exercise of that power.

10.—(1) In the case of operational land of statutory undertakers—

Special procedure for acquisition of statutory undertakers' operational land.

- (a) an order under section 7(1) of this Act authorising the compulsory acquisition of that land by a development corporation, or an order under section 8(1) of this Act authorising its compulsory acquisition by a local highway authority, may, instead of being made and confirmed as provided in the said section 7(1) or 8(1), as the case may be, be made by the Minister and the appropriate Minister in accordance with the provisions of Part I of Schedule 4 to this Act on the application of that development corporation or local highway authority ;
- (b) an order under section 8(2) of this Act authorising the compulsory acquisition of that land by the Minister of Transport may, instead of being made as provided in the said section 8(2), be made by the Minister of Transport and the appropriate Minister in accordance with the provisions of Part II of the said Schedule 4 ;

and in relation to a compulsory purchase order made as provided in paragraph (a) or (b) above the provisions of Parts IV and V of Schedule 3 to this Act shall apply accordingly subject, in the case of the said Part V, to the modifications set out in Part III of Schedule 4 to this Act.

(2) If any objection to an application for a compulsory purchase order to be made in accordance with subsection (1)(a) above, or to a proposal to make such an order in accordance with subsection (1)(b) above, is duly made by any statutory undertakers, and any of the land to which the application or proposal relates is operational land of those undertakers, then, unless that objection is withdrawn, any order made on the application or proposal shall be subject to special parliamentary procedure.

(3) Where a compulsory purchase order under section 7 or 8 of this Act, not being an order made as provided in subsection (1)(a) or (b) above, is submitted, or is proposed to be made, in accordance with Schedule 3 to this Act, and with respect to any land (being the whole or part of the land to which the order relates) statutory undertakers make to the appropriate Minister, in the prescribed manner and within the time within which objections to the order may be made—

- (a) a representation that the first-mentioned land is operational land, and
- (b) a request for that land to be excluded from the order,

and it is determined that that land is operational land, then, subject to the following provisions of this section—

- (i) if that land constitutes the whole of the land to which the order relates, the order shall not be confirmed or not be made, as the case may be, and
- (ii) if that land forms part only of the land to which the order relates, the order shall be modified so as to exclude that land.

(4) Where it is proposed to make an order under section 1 of this Act, any statutory undertakers may, with respect to any land within the area to be designated by the order as the site of the proposed new town, make to the appropriate Minister, in the prescribed form and within the time allowed for making objections to the order, a representation that that land is operational land.

(5) Where a representation is made under subsection (4) above with respect to any land, the Minister and the appropriate Minister may make an order, which shall be subject to special parliamentary procedure, declaring that it is expedient that that land should be subject to compulsory acquisition.

(6) Where, in the case of a compulsory purchase order under section 7 of this Act, any land to which the order relates is within the area of a new town and is land in relation to which, apart from this subsection, subsection (3) above would apply, the said subsection (3) shall not apply in relation to that land—

- (a) if no representation was made under subsection (4) above with respect thereto, or
- (b) if an order under subsection (5) above has come into force with respect thereto.

Right to
require
development
corporation
to acquire
land.

11. Where any land within the area designated by an order under section 1 of this Act as the site of a new town has not been acquired by the development corporation within the period of seven years from the date on which that order, or the amending order by virtue of which that area was first extended to include that land, became operative and has not been so acquired since the end of that period, any owner of that land may by notice in writing served on the corporation require them to purchase his interest therein ; and thereupon the corporation shall be deemed to have been authorised to acquire that interest compulsorily under the foregoing provisions of this

Act, and to have served notice to treat in respect thereof on the date on which the notice was served on them under this section.

12.—(1) Part I of the Compulsory Purchase Act 1965 shall apply in relation to the acquisition of land under this Act subject to any necessary adaptations and to the provisions of Part I of Schedule 6 to this Act.

Application of Compulsory Purchase Act 1965 and modification of Land Compensation Act 1961 for purposes of this Act.

1965 c. 56.

(2) The Land Compensation Act 1961 shall, in its application for the purposes of this Act, have effect subject to any necessary adaptations and to the provisions of Part II of Schedule 6 to this Act.

1961 c. 33.

(3) A compulsory purchase order may make provision for the incorporation with this Act of section 77 of the Railways Clauses Consolidation Act 1845 (which relates to the exception of minerals from purchases) and sections 78 to 85 of that Act (which relate to restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923, or of the said section 77 only.

1845 c. 20.

1923 c. 20.

Such provision may be made as to all or any of the land to which the compulsory purchase order relates, and may include such modification of references in the said sections to the railway or works, or to the company, as may be specified in the order; and for the purposes of any such incorporation of those sections, this Act and the compulsory purchase order shall be deemed to be the special Act.

13.—(1) Where statutory undertakers are entitled to compensation in respect of a compulsory acquisition under this Act of operational land, the provisions of Schedule 5 to this Act shall have effect as regards the assessment of the amount of that compensation.

Measure of compensation for acquisition of statutory undertakers' operational land.

(2) In this section "compensation in respect of a compulsory acquisition" includes compensation payable in connection with the acquisition for damage sustained by reason of the severing of the land acquired from other land held therewith or otherwise injuriously affecting such other land, and compensation payable for disturbance or any other matter not directly based on the value of the land.

Extinguish-
ment of rights
over land
compulsorily
acquired.

14.—(1) Subject to the provisions of this section, upon the completion by the acquiring authority of a compulsory acquisition of land under this Act, all private rights of way and rights of laying down, erecting, continuing or maintaining any apparatus on, under or over the land shall be extinguished, and any such apparatus shall vest in the acquiring authority.

(2) Subsection (1) above shall not apply to any right vested in, or apparatus belonging to, statutory undertakers for the purpose of the carrying on of their undertaking.

(3) In respect of any right or apparatus not falling within subsection (2) above, subsection (1) above shall have effect subject—

(a) to any direction given by the acquiring authority before the completion of the acquisition that the said subsection (1) shall not apply to any right or apparatus specified in the direction, and

(b) to any agreement which may be made (whether before or after the completion of the acquisition) between the acquiring authority and the person in or to whom the right or apparatus in question is vested or belongs.

(4) Any person who suffers loss by the extinguishment of a right or the vesting of any apparatus under this section shall be entitled to compensation from the acquiring authority.

(5) Any compensation payable under this section shall be determined in accordance with the Land Compensation Act 1961.

1961 c. 33.

Expedited completion of compulsory acquisition

Order provid-
ing for
expedited
completion.

15.—(1) Where the Minister having jurisdiction to do so confirms or makes a compulsory purchase order, and—

(a) the order as submitted or the draft of the order or the application for the order, as the case may be, contained or included an application for a direction under this section, and

(b) when he confirms or makes the order the said Minister is satisfied that it is requisite that the acquiring authority should have power to enter upon any land (being the whole or any part of the land to which the order relates) and to secure its vesting in that authority before the expiry of the time which would be required for the service of notices to treat,

the order may include a direction that the provisions of this Act relating to expedited completion shall apply to the order so far as it relates to the first-mentioned land.

(2) Where a compulsory purchase order containing a direction under this section is made in respect of land which has sustained war damage within the meaning of the War Damage Act 1943, being damage which has not been made good before the date on which the order is registered under section 9 of this Act, the acquiring authority, when they notify the fact that the order has become operative to the proper officer under the said section 9, shall notify the Commissioners of Inland Revenue of that action having been taken. 1943 c. 21.

16.—(1) The provisions of this section, of section 17 of this Act and of Schedule 7 to this Act shall have effect in relation to a compulsory purchase order which includes such a direction as is mentioned in section 15(1) of this Act. General effect of orders providing for expedited completion.

(2) When the order becomes operative, the incorporated enactments shall apply as if, on the relevant date, a notice to treat had (except as provided by section 17 of this Act) been served on every person on whom under section 5 of the Compulsory Purchase Act 1965 (on the assumption that the acquiring authority required to take the whole of the relevant land and had knowledge of all parties referred to in that section) the authority could have served such a notice. 1965 c. 56.

(3) Subject to subsection (4) below the acquiring authority, at any time or from time to time after the order becomes operative, may execute, in respect of any area consisting of the whole or part of the relevant land, a declaration designating that area and stating—

- (a) that they intend to enter upon the land in the designated area, and take possession thereof, at the end of such period as may be specified in the declaration (not being less than fourteen days) from the date on which the service of notice on occupiers required by subsection (5) below is completed, and
- (b) that the land in the designated area is to vest in the acquiring authority at the end of that period.

(4) A declaration under subsection (3) above shall not be executed before the end of the period of two months from the date of the first publication of the notice of confirmation or making of the order as required by this Act:

Provided that the order may substitute a period longer than two months for the purposes of the operation of this subsection in relation to any land, or, if the order as submitted or the draft of the order or the application for the order, as the case may be, so provided in respect of any land, may substitute

a period shorter than two months for the purposes of the operation of this subsection in relation to that land.

(5) As soon as may be after executing a declaration under subsection (3) above, the acquiring authority shall serve—

- (a) on every occupier of any of the land in the area designated by the declaration (other than land excepted from this paragraph by section 17 of this Act) and
- (b) on every other person who has given information to the authority with respect to any land in that area, in pursuance of the invitation in that behalf required (in accordance with paragraph 2 of Schedule 7 to this Act) to be included in the notice of confirmation or making of the order,

a notice describing the designated area and stating the effect of the declaration.

(6) At the end of the period specified in such a declaration in accordance with subsection (3)(a) above there shall vest in the acquiring authority the right to enter upon, and take possession of, the land in the area designated by the declaration, or any of that land, without previous consent or compliance with section 11 of the Compulsory Purchase Act 1965 and the land in that area shall vest in the acquiring authority as if, at the end of that period—

1965 c. 56.

- (a) the circumstances in which, under that Act, an authority authorised to purchase land have powers to execute a deed poll (whether for vesting land or any interest in land in themselves or for extinguishing the whole or part of any rentcharge, rent-service, chief or other rent or other payment or incumbrance) had arisen in respect of all the land in the designated area and in respect of all interests in that land, and
- (b) the acquiring authority had duly exercised those powers accordingly:

Provided that, in relation to tenancies to which section 17 of this Act applies, this subsection shall have effect subject to the provisions of that section.

(7) In this section—

“the incorporated enactments” means the provisions of Part I of the Compulsory Purchase Act 1965 and the Land Compensation Act 1961, as modified by Schedule 6 to this Act and by the provisions of this section, of section 17 of this Act and of Schedule 7 to this Act;

1961 c. 33.

“the relevant land”, in relation to a compulsory purchase order, means the aggregate of the land in respect of which it is directed by the order, in accordance with section 15(1) of this Act, that the provisions of this Act relating to expedited completion shall apply to the order;

and in this section and section 17 of this Act—

“the relevant date”, in relation to any land, means the date on which the compulsory purchase order in question is in accordance with section 9 of this Act registered in the register of local land charges by the proper officer of the council of the county borough or county district in which that land is situated.

(8) In this section and Schedule 7 to this Act any reference to the notice of confirmation or making of a compulsory purchase order is a reference—

- (a) in the case of an order made by a development corporation or local highway authority, to the notice of its confirmation, and
- (b) in the case of an order made by the Minister of Transport, or by the Minister and the appropriate Minister, or by the Minister of Transport and the appropriate Minister, to the notice of its making.

17.—(1) The tenancies to which this section applies are minor tenancies and long tenancies which are about to expire. Special provisions as to certain tenancies.

(2) Notwithstanding anything in section 16(2) of this Act, no notice to treat shall by virtue of that subsection be taken to have been served on any person in respect of a tenancy to which this section applies.

(3) Land in which there subsists a tenancy to which this section applies is excepted from section 16(5)(a) of this Act, and the reference in that paragraph to land excepted from that paragraph by this section shall be construed accordingly.

(4) Where any land in an area designated by a declaration under section 16(3) of this Act is land in which a minor tenancy is subsisting, then (without prejudice to any power, exercisable by virtue of the Compulsory Purchase Act 1965, to require a tenant to give up possession) the right of entry conferred by section 16(6) of this Act shall not be exercisable in respect of that land, and the vesting of the land in the acquiring authority by virtue of the said section 16(6) shall be subject to the tenancy during its subsistence. 1965 c. 56.

(5) Where any land in an area designated by a declaration under section 16(3) of this Act is land in which a long tenancy which is about to expire is subsisting—

- (a) the right of entry conferred by section 16(6) of this Act shall not be exercisable in respect of that land unless the acquiring authority have served a notice to treat in respect of the tenancy and have thereafter served upon every occupier of any of the land in which the tenancy subsists a notice, stating that, at the end of such period as may be specified in that notice (not being less than fourteen days) from the date on which the notice is served, they intend to enter upon and take possession of such land as may be specified in that notice, and the period specified in the last-mentioned notice has expired, and
- (b) the vesting of the land in the acquiring authority shall be subject to the tenancy until the end of the period specified in the last-mentioned notice, or the cesser of the tenancy, whichever first occurs.

(6) In this section “minor tenancy” means a tenancy for a year or from year to year or any lesser interest.

(7) In this section “long tenancy which is about to expire” means a tenancy granted for an interest greater than a minor tenancy, but having at the relevant date a period still to run which is not more than the specified period (that is to say, such period, longer than one year, as may for the purposes of this subsection be specified in the order in relation to the land in which the tenancy subsists); and in determining for the purposes of this subsection what period a tenancy still has to run at the relevant date it shall be assumed—

- (a) that the tenant will exercise any option to renew the tenancy, and will not exercise any option to terminate the tenancy, then or thereafter available to him, and
- (b) that the landlord will exercise any option to terminate the tenancy then or thereafter available to him.

Disposal of land by development corporation

Disposal of
land by
development
corporation.

18.—(1) Subject to this section and to any directions given by the Minister under this Act, the development corporation established for the purposes of a new town may dispose of any land acquired by them (whether or not, in the case of land within the area of the new town, the development of that particular land has been proposed or approved under section 6(1) of this Act) to such persons, in such manner, and subject to such covenants or conditions, as they consider expedient for securing the development of the new town in accordance

with proposals approved by the Minister under the said section 6(1), or for purposes connected with the development of the new town:

Provided that a development corporation shall not have power, except with the consent of the Minister, to transfer the freehold of any land or to grant a lease of any land for a term of more than ninety-nine years.

(2) The powers of a development corporation with respect to the disposal of land acquired by them under this Act shall be so exercised as to secure, so far as practicable, that persons who were living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the corporation, and are willing to comply with any requirements of the corporation as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that a development corporation shall not have any duty to afford to a person who was carrying on a business of selling intoxicating liquor by retail on land acquired by them an opportunity of obtaining alternative accommodation for such a business.

(3) Nothing in this Act shall be construed as enabling a development corporation to dispose of land by way of gift, mortgage or charge, but subject as aforesaid references in this Act to the disposal of land by a development corporation shall be construed as references to the disposal thereof in any manner, whether by way of sale, exchange or lease, by the creation of any easement, right or privilege, or otherwise.

(4) In this section "intoxicating liquor" has the meaning assigned by section 201 of the Licensing Act 1964. 1964 c. 26.

Powers exercisable in relation to land acquired by development corporation or highway authority

19.—(1) The erection, construction or carrying out, or maintenance, of any building or work on land which has been acquired by a development corporation or local highway authority for the purposes of this Act, whether done by the corporation or authority or by any other person, is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies, or involves a breach of a restriction as to the user of land arising by virtue of a contract:

Power to override easements and other rights.

Provided that nothing in this subsection shall authorise interference with any right of way or right of laying down, erecting,

continuing or maintaining apparatus on, under or over land, being a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking.

(2) This section applies to the following interests and rights, that is to say, any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support.

1965 c. 56.

(3) In respect of any interference or breach in pursuance of subsection (1) above, compensation shall be payable under section 7 or 10 of the Compulsory Purchase Act 1965, to be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections in respect of injurious affection where the compensation is to be estimated in connection with a purchase by a development corporation or local highway authority or the injury arises from the execution of works on land acquired by such a corporation or authority.

(4) Where a person other than the development corporation or local highway authority by whom the land in question was acquired is liable to pay compensation by virtue of subsection (3) above, and fails to discharge that liability, the liability shall be enforceable against that corporation or authority:

Provided that nothing in this subsection shall be construed as affecting any agreement between that corporation or authority and any other person for indemnifying the corporation or authority against any liability under this subsection.

(5) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in subsection (1) above.

(6) Nothing in this section shall be construed as authorising any act or omission on the part of a development corporation or local highway authority, or of any body corporate, in contravention of any limitation imposed by law on their capacity by virtue of the constitution of the corporation, authority or body.

Use and development of consecrated land and burial grounds.

20.—(1) Any consecrated land, whether including a building or not, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Minister of Transport, may, subject to the following provisions of this section—

(a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and

(b) in the case of land acquired by the Minister of Transport, be used in any manner by him or on his behalf for any purpose for which he acquired the land,

notwithstanding any obligation or restriction imposed under ecclesiastical law or otherwise in respect of consecrated land:

Provided that this subsection does not apply to land which consists or forms part of a burial ground.

(2) Any use of consecrated land authorised by subsection (1) above, and the use of any land, not being consecrated land, acquired as therein mentioned which at the time of acquisition included a church or other building used or formerly used for religious worship or the site thereof, shall be subject to compliance with the prescribed requirements with respect to the removal and reinterment of any human remains, and the disposal of monuments and fixtures and furnishings; and, in the case of consecrated land, shall be subject to such provisions as may be prescribed for prohibiting or restricting the use of the land, either absolutely or until the prescribed consent has been obtained, so long as any church or other building used or formerly used for religious worship, or any part thereof, remains on the land.

(3) Any regulations made for the purposes of subsection (2) above—

(a) shall contain such provisions as appear to the Minister to be requisite for securing that any use of land which is subject to compliance with the regulations shall, as nearly as may be, be subject to the like control as is imposed by law in the case of a similar use authorised by an enactment not contained in this Act or by a Measure, or as it would be proper to impose on a disposal of the land in question otherwise than in pursuance of an enactment or Measure;

(b) shall contain requirements relating to the disposal of any such land as is mentioned in the said subsection (2) such as appear to the Minister requisite for securing that the provisions of that subsection shall be complied with in relation to the use of the land; and

(c) may contain such incidental and consequential provisions (including provision as to the closing of registers) as appear to the Minister to be expedient for the purposes of the regulations.

(4) Any land consisting of a burial ground or part of a burial ground, which has been acquired as mentioned in subsection (1) above, may—

(a) in the case of land acquired by a development corporation or local highway authority, be used by them in

any manner in accordance with planning permission, and

- (b) in the case of land acquired by the Minister of Transport, be used in any manner by him or on his behalf for any purpose for which he acquired the land,

notwithstanding anything in any enactment relating to burial grounds or any obligation or restriction imposed under ecclesiastical law or otherwise in respect of burial grounds:

Provided that this subsection shall not have effect in respect of any land which has been used for the burial of the dead until the prescribed requirements with respect to the removal and reinterment of human remains, and the disposal of monuments, in or upon the land have been complied with.

(5) Provision shall be made by any regulations made for the purposes of subsection (2) above and the proviso to subsection (4) above—

- (a) for requiring the persons in whom the land is vested to publish notice of their intention to carry out the removal and reinterment of any human remains or the disposal of any monuments;
- (b) for enabling the personal representatives or relatives of any deceased person themselves to undertake the removal and reinterment of the remains of the deceased, and the disposal of any monument commemorating the deceased, and for requiring the persons in whom the land is vested to defray the expenses of such removal, reinterment and disposal, not exceeding such amount as may be prescribed;
- (c) for requiring compliance with such reasonable conditions (if any) as may be imposed, in the case of consecrated land, by the bishop of the diocese, with respect to the manner of removal, and the place and manner of reinterment of any human remains, and the disposal of any monuments, and with any directions given in any case by the Secretary of State with respect to the removal and reinterment of any human remains.

(6) Subject to the provisions of any such regulations, no faculty shall be required for the removal and reinterment in accordance with the regulations of any human remains, or for the removal or disposal of any monuments, and the provisions of section 25 of the Burial Act 1857 (which prohibits the removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the regulations.

(7) Any power conferred by this section to use land in a manner therein mentioned shall be construed as a power so to use the land, whether it involves the erection, construction or carrying out of any building or work, or the maintenance of any building or work, or not.

(8) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such obligation, restriction or enactment as is mentioned in subsection (1) or subsection (4) above.

(9) Subsection (6) of section 19 of this Act shall apply in relation to this section as it applies in relation to that section.

(10) In this section "burial ground" includes any churchyard, cemetery or other ground, whether consecrated or not, which has at any time been set apart for the purposes of interment, and "monument" includes a tombstone or other memorial.

21.—(1) Any land being, or forming part of, a common, open space or fuel or field garden allotment, which has been acquired for the purposes of this Act by a development corporation or local highway authority, or which has been acquired under this Act by the Minister of Transport, may—

Use and development of open spaces.

(a) in the case of land acquired by such a corporation or authority, be used by them, or by any other person, in any manner in accordance with planning permission, and

(b) in the case of land acquired by the Minister of Transport, be used in any manner by him or on his behalf for any purpose for which he acquired the land, notwithstanding anything in any enactment relating to land of that kind, or in any enactment by which the land is specially regulated.

(2) Nothing in this section shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than contravention of any such enactment as is mentioned in subsection (1) above.

(3) Subsection (6) of section 19 of this Act shall apply in relation to this section as it applies in relation to that section.

22.—(1) Where any land has been acquired for the purposes of this Act by a development corporation or local highway authority, and the carrying out of redevelopment on the land will involve the displacement of persons residing in premises thereon, it shall be the duty of the corporation or authority, in

Displacement of persons from land acquired.

so far as there is no other residential accommodation suitable to the reasonable requirements of those persons available on reasonable terms, to secure the provision of such accommodation in advance of the displacements from time to time becoming necessary as the redevelopment proceeds.

Where the land so acquired is within the area of a new town, the references in this subsection to residential accommodation shall be construed as references to residential accommodation in that area.

1957 c. 56.

(2) Section 144 of the Housing Act 1957 (which imposes obligations as to the provision of housing accommodation where land is acquired under statutory powers) shall not apply in relation to an acquisition under this Act.

(3) If the Minister certifies that possession of a house which has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for the purposes for which it was acquired, is immediately required for those purposes, nothing in the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall prevent that corporation or authority from obtaining possession of the house.

1838 c. 74.

(4) Where any land has been acquired for the purposes of this Act by a development corporation or local highway authority, or has been acquired under this Act by the Minister of Transport, and the acquiring authority require possession of a building on the land, or of part of such a building, for the purposes for which the land was acquired, then, whatever may be the value or rent of the building or part of a building, the acquiring authority may obtain possession thereof under the Small Tenements Recovery Act 1838 at any time after the tenancy of the occupier has expired or has been determined.

(5) Where any land has been acquired for the purposes of or under, this Act by a development corporation or a local highway authority or the Minister of Transport, the acquiring authority—

- (a) may pay to any person who is displaced in the carrying out of redevelopment on the land such reasonable allowance as the acquiring authority think fit towards his expenses in removing, and
- (b) may pay to a person carrying on any business in a building from which he is so displaced such reasonable allowance as the acquiring authority think fit towards the loss which, in the acquiring authority's opinion, that person will sustain by reason of the disturbance to his business consequent on his having to quit the building.

(6) In estimating loss for the purposes of subsection (5)(b) above, the acquiring authority shall have regard to the period for which the premises occupied by the person referred to in that paragraph might reasonably have been expected to be available for the purpose of that person's business, and to the availability of other premises suitable for that purpose.

23.—(1) Where any land—

- (a) has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
- (b) has been acquired under this Act by the Minister of Transport and is for the time being held for the purposes for which he acquired it,

Extinguish-
ment of public
rights of way
over land
acquired.

the Minister may by order extinguish any public right of way over the land.

(2) Where the Minister proposes to make an order under this section, he shall publish in such manner as appears to him to be requisite a notice—

- (a) stating the effect of the order, and
- (b) specifying the time (not being less than twenty-eight days from the publication of the notice) within which and the manner in which, objections to the proposal may be made,

and shall serve a like notice—

- (i) on the local planning authority in whose area the land is situated, and
- (ii) on the relevant highway authority.

In this subsection "the relevant highway authority" means any authority who are a highway authority in relation to the right of way proposed to be extinguished by the order, other than an authority who have applied for the order to be made.

(3) Where an objection to a proposal to make an order under this section is duly made and is not withdrawn, the provisions of Schedule 8 to this Act shall have effect in relation to the proposal.

(4) For the purposes of this section an objection to such a proposal shall not be treated as duly made unless—

- (a) it is made within the time and in the manner specified in the notice required by this section, and
- (b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

1935 c. 47.

1936 c. 5
(1 Edw. 8 &
1 Geo. 6).

(5) Where it is proposed to make an order under this section extinguishing a public right of way over a road on land acquired for the purposes of this Act by a development corporation, and compensation in respect of restrictions imposed under section 1 or section 2 of the Restriction of Ribbon Development Act 1935 in respect of that road has been paid by the highway authority (or, in the case of a trunk road, by the authority who, when the compensation was paid, were the authority for the purposes of section 4 of the Trunk Roads Act 1936), the order may provide for the payment by the development corporation to that authority, in respect of the compensation so paid, of such sums as the Minister, with the consent of the Treasury, may determine.

(6) Where the Minister is satisfied that the construction or improvement of a road is or will be needed in consequence of the extinguishment under this section of a public right of way, section 8 of this Act shall apply as it applies where the Minister is satisfied that the construction or improvement of a road is needed as mentioned in subsection (1) of that section.

Provisions
as to
telegraphic
lines.

24.—(1) Where an order under section 23 of this Act extinguishing a public right of way is made on the application of a development corporation or local highway authority, and at the time of the publication of the notice required by subsection (2) of that section there was under, in, on, over, along or across the land over which the right of way subsisted a telegraphic line belonging to or used by the Postmaster General—

- (a) the power of the Postmaster General to remove the line shall, notwithstanding the making of the order, be exercisable at any time not later than the end of the period of three months from the date on which the right of way is extinguished, and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Postmaster General has given notice to the development corporation or local highway authority of his intention to remove the line or that part thereof, as the case may be;
- (b) the Postmaster General may by notice given in that behalf to the development corporation or local highway authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof;
- (c) subject to paragraph (b) above, the Postmaster General shall be deemed at the end of that period to have abandoned any part of the line which he has then

neither removed nor given notice of his intention to remove ;

- (d) the Postmaster General shall be entitled to recover from the development corporation or local highway authority the expense of providing, in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line, a telegraphic line in such other place as the Postmaster General may require ;
- (e) where under the foregoing provisions of this subsection the Postmaster General has abandoned the whole or any part of a telegraphic line, it shall vest in the development corporation or local highway authority, and the provisions of the Telegraph Acts 1863 to 1962 shall not apply in relation to the line or that part thereof with respect to anything done or omitted after its abandonment.

(2) In this section " telegraphic line " has the same meaning as in the Telegraph Act, 1878.

1878 c. 76.

25. The Minister of Transport may direct that any road constructed by him on land transferred to or acquired by him under this Act shall, on such date as may be specified in the direction, become a trunk road within the meaning of the Highways Act 1959 ; and the provisions of that Act relating to trunk roads shall apply to the road accordingly.

Special power to create trunk roads.
1959 c. 25.

Statutory undertakers

26.—(1) This section applies to land—

- (a) which has been acquired for the purposes of this Act by a development corporation or local highway authority and is for the time being held by that corporation or authority for those purposes, or
- (b) which has been acquired under this Act by the Minister of Transport and is for the time being held for the purposes for which he acquired it.

Extinguishment of rights of way, and rights as to apparatus, of statutory undertakers.

(2) Where, in the case of any land to which this section applies—

- (a) there subsists over that land a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, being a right of way or a right of laying down, erecting, continuing or maintaining apparatus on, under or over the land,
or

- (b) there is on, under or over the land apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking,

the acquiring authority may serve on the statutory undertakers a notice stating that, at the end of such period as may be specified in the notice, the right will be extinguished, or requiring that, before the end of such period as may be so specified, the apparatus shall be removed.

(3) The statutory undertakers on whom a notice is served under subsection (2) above may, before the end of the period of twenty-eight days from the service of the notice, serve a counter-notice on the acquiring authority stating that they object to all or any of the provisions of the notice, and specifying the grounds of their objection.

(4) If no counter-notice is served under subsection (3) above—

(a) any right to which the notice relates shall be extinguished at the end of the period specified in that behalf in the notice, and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the notice as to the removal of the apparatus has not been complied with, the acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.

(5) If a counter-notice is served under subsection (3) above on a development corporation or local highway authority, the corporation or authority may either withdraw the notice (without prejudice to the service of a further notice) or may apply to the Minister and the appropriate Minister for an order under this section embodying the provisions of the notice, with or without modification; and if such an application is made, the Minister and the appropriate Minister may make an order under this section accordingly.

(6) If a counter-notice is served under subsection (3) above on the Minister of Transport, he may withdraw the notice (without prejudice to the service of a further notice) or he and the appropriate Minister may make an order under this section embodying the provisions of the notice, with or without modification.

(7) Where, by virtue of this section, any right vested in or belonging to statutory undertakers is extinguished, or any requirement is imposed on statutory undertakers, those undertakers shall be entitled to compensation from the acquiring authority at whose instance the right was extinguished or the requirement imposed; and the provisions of Schedule 5 to this Act shall have effect as regards the assessment of the amount of that compensation.

27.—(1) Where the Minister of Transport and the appropriate Orders under Minister propose to make an order under section 26(6) of this s. 26. Act, they shall prepare a draft of the order.

(2) Before making an order under section 26(5) or (6) of this Act, the Ministers proposing to make the order—

(a) shall afford to the statutory undertakers on whom notice was served under subsection (2) of that section an opportunity of objecting to the application for, or proposal to make, the order, and

(b) if any objection is made, shall consider the objection and afford to those statutory undertakers (and, in a case falling within subsection (5) of that section, to the development corporation or local highway authority on whom the counter-notice was served) an opportunity of appearing before, and being heard by, a person appointed by the Minister and the appropriate Minister for the purpose,

and may then, if they think fit, make the order in accordance with the application or in accordance with the draft order, as the case may be, either with or without modification.

(3) Where an objection to an order under the said section 26 is duly made and is not withdrawn before the making of the order, the order shall be subject to special parliamentary procedure.

(4) Subject to subsection (3) above, where an order is made under section 26 of this Act—

(a) any right to which the order relates shall be extinguished at the end of the period specified in that behalf in the order, and

(b) if, at the end of the period so specified in relation to any apparatus, any requirement of the order as to the removal of the apparatus has not been complied with, the acquiring authority may remove the apparatus and dispose of it in any way the authority may think fit.

28.—(1) The powers conferred by this section shall be exercisable where, on a representation made by statutory undertakers, it appears to the Minister and the appropriate Minister to be expedient that the powers and duties of those undertakers should be extended or modified, in order—

(a) to secure the provision of services which would not otherwise be provided, or satisfactorily provided, for the purposes of a new town under this Act, or

(b) to facilitate an adjustment of the carrying on of the undertaking necessitated by any of the acts and events mentioned in subsection (2) below.

(2) The said acts and events are—

- (a) the acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers in question ;**
- (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 of this Act.**

(3) The powers conferred by this section shall also be exercisable where, on a representation made by a development corporation, it appears to the Minister and the appropriate Minister to be expedient that the powers and duties of statutory undertakers should be extended or modified, in order to secure the provision of new services, or the extension of existing services, for the purposes of a new town under this Act.

(4) Where the powers conferred by this section are exercisable, the Minister and the appropriate Minister may, if they think fit, by order provide for such extension or modification of the powers and duties of the statutory undertakers as appears to them to be requisite in order to secure the provision of the services in question, as mentioned in subsection (1)(a) or (3) above or to secure the adjustment in question, as mentioned in subsection (1)(b) above, as the case may be.

(5) Without prejudice to the generality of subsection (4) above, an order under this section may make provision—

- (a) for empowering the statutory undertakers to acquire (whether compulsorily or by agreement) any land specified in the order, and to erect or construct any buildings or works so specified ;**
- (b) for applying, in relation to the acquisition of any such land or the construction of any such works, enactments relating to the acquisition of land and the construction of works ;**
- (c) where it has been represented that the making of the order is expedient for the purposes mentioned in subsection (1)(a) or (3) above, for giving effect to such financial arrangements between the development corporation and the statutory undertakers as they may agree, or as, in default of agreement, may be determined to be equitable in such manner and by such tribunal as may be specified in the order ;**
- (d) for such incidental and supplemental matters as appear to the Minister and the appropriate Minister to be expedient for the purposes of the order.**

29.—(1) As soon as may be after making such a representation as is mentioned in section 28(1) or (3) of this Act— Procedure in relation to orders under s. 28.

- (a) the statutory undertakers, in a case falling within subsection (1) of that section, or
- (b) the development corporation, in a case falling within subsection (3) thereof,

shall publish, in such form and manner as may be directed by the Minister and the appropriate Minister, a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, and shall also, if it is so directed by the Minister and the appropriate Minister, serve a like notice on such persons, or persons of such classes, as may be so directed.

(2) Orders under the said section 28 shall be subject to special parliamentary procedure.

30.—(1) Where, on a representation made by statutory undertakers, the appropriate Minister is satisfied that the fulfilment of any obligation incurred by those undertakers in connection with the carrying on of their undertaking has been rendered impracticable by an act or event to which this subsection applies, the appropriate Minister may, if he thinks fit, by order direct that the statutory undertakers shall be relieved of the fulfilment of that obligation, either absolutely or to such extent as may be specified in the order. Relief of statutory undertakers from obligations rendered impracticable.

(2) Subsection (1) above applies to the following acts and events, that is to say—

- (a) the compulsory acquisition under this Act of any land in which an interest was held, or which was used, for the purpose of the carrying on of the undertaking of the statutory undertakers ;
- (b) the extinguishment of a right or the imposition of any requirement by virtue of section 26 of this Act.

(3) As soon as may be after making a representation to the appropriate Minister under subsection (1) above, the statutory undertakers shall, as may be directed by the appropriate Minister, either—

- (a) publish (in such form and manner as may be so directed) a notice giving such particulars as may be so directed of the matters to which the representation relates, and specifying the time within which, and the manner in which, objections to the making of an order on the representation may be made, or
- (b) serve such a notice on such persons, or persons of such classes, as may be so directed, or

(c) both publish and serve such notices.

(4) If any objection to the making of an order under this section is duly made and is not withdrawn before the order is made, the order shall be subject to special parliamentary procedure.

(5) As soon as may be after an order has been made under this section the appropriate Minister shall publish in such form and manner as he thinks fit a notice stating that the order has been made.

(6) The provisions of Part V of Schedule 3 to this Act as to the validity and date of operation of compulsory purchase orders shall have effect in relation to an order under this section with the substitution for references to a compulsory purchase order and to publication in accordance with the provisions of that Schedule in that behalf of references to an order under this section and to publication in accordance with subsection (5) above.

Objections to orders under ss. 28 and 30.

31.—(1) For the purposes of sections 28 and 30 of this Act an objection to the making of an order thereunder shall not be treated as duly made unless—

(a) the objection is made within the time and in the manner specified in the notice required by the section under which the order is proposed to be made, and

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

(2) Where an objection to the making of such an order is duly made in accordance with subsection (1) above and is not withdrawn, the provisions of Schedule 8 to this Act shall have effect in relation thereto.

Provision of trolley vehicle services by development corporation

Power to authorise provision of trolley vehicle services by development corporation.

32.—(1) The development corporation established for the purposes of a new town may by means of an order made by the Minister of Transport be authorised to operate trolley vehicle services for the purposes of the new town.

(2) An order under this section may impose such conditions as appear to the Minister of Transport to be required in the interests of the public safety, and may contain such incidental and consequential provisions as appear to that Minister to be necessary or expedient for the purposes of the order, including provisions—

(a) authorising the construction and maintenance in highways of any works or equipment required in connection with the services ;

(b) providing for the making and enforcement of regulations and byelaws with respect to the construction and operation of any vehicles or equipment used for the purposes of the services, and with respect to the conduct of passengers on, and of the drivers and conductors of, any such vehicles.

(3) An order under this section shall be subject to special parliamentary procedure.

Public health

33. Where an order is made under section 1 of this Act designating an area as the site of a new town and the Minister is satisfied that, in consequence of the making of that order, it is expedient that that area, or any larger area which comprises that area, should be constituted a united district for any purpose for which a united district may be constituted under section 6 of the Public Health Act 1936, the Minister may make an order under the said section 6 constituting the area as to which he is so satisfied a united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or any of them.

Power to make new town a united district for purposes of Public Health Acts. 1936 c. 49.

34.—(1) The Minister, on an application made to him by the development corporation established for the purposes of a new town, may by order authorise that corporation to exercise, for the purpose of the sewerage of the area of the new town, any powers exercisable by a local authority under section 15 of the Public Health Act 1936 (construction of sewers and sewage disposal works); and, without prejudice to the provisions of this Act with respect to the acquisition of land by development corporations, any such order may provide for transferring to the development corporation any sewers or sewage disposal works vested in the sewerage authority for any district which comprises the area of the new town or any part of that area.

Power to authorise provision of sewers and sewage disposal works by development corporation.

(2) Before making an order under this section the Minister shall consult with the council of every county and of every county district in which the whole or any part of the area of the new town is situated.

(3) An order under this section may include a direction that such of the provisions of the Public Health Acts 1936 and 1937 or of the Public Health Act 1961 relating to sewerage and sewage disposal, or to sewers, drains, cesspools and sanitary conveniences (including the provisions of the said Acts of 1936 and 1961 relating to the payment of compensation, the breaking

1961 c. 64.

up of streets and the power to enter on land) as may be specified in the order shall apply in relation to the area of the new town, subject to such modifications as may be so specified, as if the development corporation were a local authority as defined by those Acts, and as if the sewers vested in the corporation were public sewers as so defined.

1936 c. 49.

(4) Where, in pursuance of an order under this section, sewers or sewage disposal works are constructed by or vested in a development corporation for the purposes of the sewerage of any part of the district of a sewerage authority within the meaning of the Public Health Act 1936, that authority shall make towards the expenses of the development corporation in the construction or maintenance of the sewers or sewage disposal works contributions of such amount, and subject to such conditions, as may be agreed upon between that authority and the corporation or as may, in default of such agreement, be determined by the Minister; and the payment of any such contributions shall be a purpose for which the sewerage authority may borrow money.

(5) Any order under this section which provides for transferring to the development corporation sewers or sewage disposal works vested in a sewerage authority may provide for the payment by the corporation to that authority, in consideration of the transfer, of such sum as may be agreed upon between the corporation and that authority or as may, in default of such agreement, be determined by the Minister.

The Commission for the New Towns

Establishment
of Commission
for the New
Towns.

35.—(1) There shall be a body corporate by the name of the Commission for the New Towns (in this Act referred to as the Commission) having perpetual succession and a common seal.

(2) The provisions of Schedule 9 to this Act shall have effect with respect to the constitution and proceedings of the Commission and other matters relating to the Commission and its members.

(3) It is hereby declared that the Commission is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown, and no property of the Commission is to be regarded as property of, or held on behalf of, the Crown; and nothing in this Act, except the express provision relating to stamp duty in section 48(4), shall be construed as exempting the Commission from liability to any tax, duty, rate, levy or other charge whatsoever, whether general or local.

36.—(1) The Commission is incorporated for the purpose of taking over, holding, managing and turning to account the property previously vested in the development corporation for a new town and transferred to the Commission by an order under the following provisions of this Act. Functions of
Commission.

(2) It shall be the general duty of the Commission to maintain and enhance the value of the land held by them and the return obtained by them from it, but in discharging their functions in relation to any town the Commission shall have regard to the purpose for which the town was developed under this Act and to the convenience and welfare of persons residing, working or carrying on business there.

(3) Subject to the provisions of this Act and to any direction given to them by the Minister under section 37 thereof, the Commission shall have power, with a view to the better fulfilment of the purpose mentioned in subsection (1) above by the improvement of any of their towns, or to the convenience or welfare of persons residing, working or carrying on business there—

- (a) to acquire (otherwise than by transfer under this Act), hold, manage and turn to account land situated in or near the town, or any interest in or rights over such land ;
- (b) with the approval of the Minister given with the concurrence of the Treasury, to make contributions towards the cost of providing amenities for the town, or of providing for it water supplies or sewerage or sewage disposal services ;
- (c) to promote or assist by any means, and in particular by making advances towards the cost of purchasing land, or of erecting, extending, improving or adapting buildings or works, the setting up or extension of businesses in the town ;
- (d) to dispose of any property for such purposes and in such manner as they think fit.

(4) A transaction between a person and the Commission shall not be invalidated by reason of any non-compliance by the Commission with subsection (2) above ; nor shall any such transaction be invalidated by reason of any non-compliance by the Commission with the requirement of subsection (3) above that they shall exercise the powers conferred by that subsection with the view there mentioned.

(5) References in this section to disposing of property shall be construed as including references to granting any interest in or rights over it.

Restrictions
on functions of
Commission.

37.—(1) The Commission shall not have power to borrow money except by way of advance from the Minister under this Act.

(2) The Commission in discharging their functions shall comply with such directions as may be given to them by the Minister, but in giving any such direction he shall have regard to the provisions of section 36(2) of this Act.

(3) The Commission shall not without the authority given generally or specially of the Minister—

(a) transfer the freehold in any land, or grant a lease of any land for a term of more than ninety-nine years, except in the case of a private dwelling and in pursuance of an agreement to make the transfer or grant to the person occupying or proposing to occupy it as his residence ; or

(b) develop any land, except in accordance with proposals submitted to the Minister and approved by him.

(4) The Commission shall not have power to dispose by way of gift, mortgage or charge of any land or, except as provided by section 36(3)(b) of this Act, of any other property.

(5) A transaction between a person and the Commission shall not be invalidated by reason of any failure by the Commission to comply with directions given by the Minister under subsection (2) above unless the transaction is carried out in contravention of such a direction and that person had actual notice of that direction.

(6) References in this section to disposing of land, or of property, shall be construed as including references to granting any interest in or rights over it.

Power of local
authorities, if
requested, to
do work for
Commission.

38.—(1) The council of a county or county district in which the whole or any part of the area of a new town is situated may, at the request of the Commission and for such consideration and on such other terms and conditions as may be agreed between the council and the Commission—

(a) do for the Commission any building or other work on land (including land outside the county or county district), being work undertaken for the purposes of the Commission's functions in relation to the new town, or any work preliminary to or connected with any such work on land as aforesaid, or

(b) allow the Commission to have for the purpose of any such work as aforesaid the services of officers or servants of the council or the use of premises or equipment of the council.

(2) This section shall apply in relation to a joint board discharging functions of any such council as aforesaid as it applies in relation to the council.

Transfer of property and undertakings of development corporations, and their dissolution

39.—(1) Subject to the provisions of this section, a development corporation may, by an agreement made with any local authority or any statutory undertakers and approved by the Minister with the concurrence of the Treasury—

Power of development corporation to transfer undertakings.

- (a) transfer to that local authority any part of the undertaking of the corporation, or
- (b) transfer to those statutory undertakers any part of the undertaking of the corporation which consists of a statutory undertaking,

upon such terms as may be prescribed by the agreement.

The foregoing provision is without prejudice to the powers of development corporations under this Act to dispose of any of their property, including any trade or business carried on by them.

(2) Before approving an agreement under this section the Minister shall consult with the council of every county and of every county district in which the whole or any part of the area of the new town is situated, except, in the case of an agreement made with such a council, the council with whom it is made.

(3) Before approving an agreement under this section for the transfer of a statutory undertaking, the Minister shall publish in the London Gazette, and in one or more newspapers circulating in the area in which the new town is situated, a notice stating that the agreement has been submitted for approval, and describing the general effect of the agreement.

(4) If within twenty-eight days from the publication of the notice in the London Gazette in accordance with subsection (3) above any objection to the agreement is made by any statutory undertakers who, within the area in which the new town is situated or any area adjacent thereto, are carrying on, or are authorised to carry on, a statutory undertaking of a character similar to the statutory undertaking proposed to be transferred by the agreement, subsection (1) above shall apply in relation to the agreement as if for the reference to the Minister there was substituted a reference to the Minister and the appropriate Minister.

(5) If the Minister is satisfied that it is expedient, having regard to any agreement made or proposed to be made under this section, that the liability of the development corporation in

respect of advances made to them under the following provisions of this Act should be reduced, he may, by an order made with the consent of the Treasury, reduce that liability to such extent as may be specified in the order.

Section 53(6) of this Act applies to orders under this subsection.

(6) The payment of any sums payable by a local authority for the purposes of an agreement under this section shall be a purpose for which that authority may borrow money.

Power of
Minister to
transfer
sewerage and
sewage
disposal
undertakings
to local
authority.

1936 c. 49.

40.—(1) Where—

- (a) the development corporation for a new town has, in pursuance of an order under section 34 of this Act, been carrying on a sewerage or sewage disposal undertaking; and
- (b) it appears to the Minister that, having regard to the extent to which the new town has been developed, the undertaking should be transferred to the local authority charged by section 14 of the Public Health Act 1936 with the duty of providing public sewers in the area of the new town or any part of it,

then, subject to the provisions of this section, the Minister may by order provide for the transfer of the undertaking to that local authority, and any such order may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient for the purposes of the order (including provisions enlarging the area to which any powers and duties of the local authority extend).

(2) In subsection (1) above the expression "local authority" shall include any joint board constituted for a united district under section 6 of the Public Health Act 1936; and, where it appears to the Minister expedient for the efficient provision of sewerage or sewage disposal services that the area of a new town or any larger area comprising it should be constituted a united district under that section for any purposes with a view to the transfer to the joint board of a sewerage or sewage disposal undertaking of the development corporation, then—

- (a) he may make an order accordingly constituting that area a united district, notwithstanding that no application in that behalf is made to him by the local authorities for the districts concerned or any of them; and
- (b) he may by the same order exercise the powers conferred by subsection (1) above for transferring the undertaking to the joint board.

(3) The terms upon which an undertaking is transferred by an order under this section shall be such as the Minister, with

the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the transferee of such sums, to be satisfied in such manner, as may be so specified:

Provided that the total of the sums so paid shall not exceed the total capital cost of the undertaking less depreciation written off.

(4) Before making an order under this section the Minister shall consult with the local authority or joint board to which it is proposed to transfer the undertaking (or, if that is a joint board to be constituted by the order, then with each council which would be represented on that board), and also with the council of the county comprising the area of that local authority or, as the case may be, of any local authority represented or to be represented on the board, and with any other authority appearing to him to be concerned.

(5) The provisions of section 6(4) and section 9(2) of the Public Health Act 1936 (which provide for the giving of notice, 1936 c. 49. for special parliamentary procedure in the event of objection, and for revocation and variation), shall apply in relation to any order under this section as they apply in relation to an order constituting a united district, except that the notice to be given of a proposed order other than an order for constituting, or for amending an order constituting, a united district shall be notice to the authority or board to which the undertaking in question is to be or has been transferred under subsection (1) above.

41.—(1) Where, after consultation with the council of every county and of every county district in which the whole or any part of the area of a new town is situated, the Minister is satisfied that the purposes for which the development corporation is established under this Act have been substantially achieved, he shall by order direct—

Transfer to Commission of property of development corporation on achievement of their objects, and dissolution of corporation.

- (a) that on such date as may be specified in the order the property of the corporation (other than property excepted under the following provisions of this Act) shall vest in the Commission, and the corporation shall cease to act except for the purpose of taking such steps (if any) as may be authorised or required by the order to dispose of any property so excepted, to prepare its final accounts and report, or otherwise to wind up its affairs; and
- (b) that on that date or such later date as may be fixed by or under the order, the corporation shall be dissolved.

(2) The provisions of Schedule 10 to this Act shall have effect with respect to the transfer to the Commission by an order under this section of the property of a development corporation and with respect to matters arising out of the transfer or out of the dissolution of the corporation; and the Minister may by order under this section make such further incidental or supplementary provisions as appear to the Minister to be necessary or expedient in relation to any such matter.

(3) Where a development corporation's sewerage or sewage disposal undertaking is transferred to the Commission under this Act, section 40 of this Act shall continue to apply to the undertaking as if the Commission were the development corporation.

(4) Where by virtue of an order under section 5 of this Act a development corporation discharges functions in relation to more than one new town, the Minister may make an order under subsection (1) above in relation to that corporation and to any of those towns without the other or others, as if the corporation were not concerned with the other or others, but without providing for the dissolution of the corporation; and in the case of any such order the provisions of Schedule 10 to this Act shall apply subject to such modifications as may be provided by the order for the purpose in particular of determining what part of the corporation's property, rights, liabilities and obligations is to be transferred to the Commission.

Financial and related provisions

Advances and grants by Minister to development corporations and Commission.

42.—(1) For the purpose of enabling a development corporation to meet expenditure properly chargeable to capital account (including the provision of working capital), or to make good to revenue account sums applied in meeting liabilities so chargeable, the Minister may, subject to section 43 of this Act, make to the corporation advances repayable over such periods and on such terms as may be approved by the Treasury.

(2) For the purpose of enabling a development corporation to meet any other expenditure, the Minister may, out of moneys provided by Parliament, make grants to the corporation of such amount as may be approved by the Treasury.

(3) It shall be a condition of the making of advances to a development corporation under subsection (1) above that the proposals for development submitted to the Minister under section 6 of this Act shall be approved by the Minister with the concurrence of the Treasury as being likely to secure for the corporation a return which is reasonable, having regard

to all the circumstances, when compared with the cost of carrying out those proposals.

(4) For the purpose of enabling the Commission to meet liabilities properly chargeable to capital account (including the provision of working capital), or to make good to revenue account sums applied in meeting liabilities so chargeable, the Minister may, subject to section 43 of this Act, make to the Commission advances repayable over such period and on such terms as may be approved by the Treasury.

(5) The Minister may also advance to the Commission any sums required by them to meet a deficit on revenue account, and any such advance shall be repayable over such period and shall be made on such terms as may be approved by the Treasury; but the aggregate amount of the advances made before the commencement of this Act under section 3(2) of the New Towns Act 1959 (to which this subsection corresponds), 1959 c. 62. and after the commencement of this Act under this subsection, shall not exceed £1,000,000.

43. The sum of the following amounts, that is to say—

Limit on certain advances under s. 42. 1946 c. 68.

(a) the aggregate amount of the advances made to development corporations before the commencement of this Act under section 12(1) of the New Towns Act 1946 in its application to England and Wales (to which section 42(1) of this Act corresponds), and after the commencement of this Act under the said section 42(1);

(b) the aggregate amount of the advances made to development corporations, whether before or after the commencement of this Act, under the said section 12(1) in its application to Scotland; and

(c) the aggregate amount of the advances made to the Commission before the commencement of this Act under section 3(1) of the New Towns Act 1959 (to which section 42(4) of this Act corresponds), and after the commencement of this Act under the said section 42(4),

shall not exceed £550,000,000.

44.—(1) The Treasury may issue to the Minister out of the Consolidated Fund such sums as are necessary to enable him to make advances— Provisions supplementary to s. 42.

(a) to a development corporation under section 42(1) of this Act, or

(b) to the Commission under section 42(4) or (5) of this Act.

1939 c. 117.

(2) For the purpose of providing the whole or part of any sum to be issued under subsection (1) above, or of providing for the replacement in whole or in part of any sum so issued, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(3) Any sums received by the Minister by way of repayment of or interest on advances under section 42(1), (4) or (5) of this Act shall be paid into the Exchequer; and the Minister shall lay before each House of Parliament a statement of any sums payable to him by way of repayment of or interest on any such advances and not duly received by him.

(4) The sums paid into the Exchequer under subsection (3) above shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

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

Disposal of
surplus
funds of
Commission.

45.—(1) Where it appears to the Minister, after consultation with the Treasury and with the Commission, that the Commission have a surplus whether on capital or on revenue account after making allowance by way of transfer to reserve or otherwise for their future requirements (including any contributions that may be required to be made in any of their towns under section 36(3)(b) of this Act), the Commission shall, if the Minister after such consultation as aforesaid so directs, pay to the Minister such sum not exceeding the amount of that surplus as may be specified in the direction; and any sum received by the Minister under this subsection shall be paid into the Exchequer.

(2) The whole or part of any payment made to the Minister by the Commission under subsection (1) above shall, if the Minister with the approval of the Treasury so determines, be treated as made by way of repayment of such part of the principal of advances under section 42(4) and (5) of this Act, and as made in respect of the repayments due at such times, as may be so determined; and section 44(4) of this Act shall apply to the corresponding payment into the Exchequer accordingly.

46.—(1) The Commission and every development corporation shall keep proper accounts and other records in relation thereto, and shall respectively prepare in respect of each financial year annual accounts in such form as the Minister may with the approval of the Treasury direct, being, in the case of the Commission, a form which will show the Commission's financial position both generally and in relation to each of their towns. Accounts,
audit, annual
reports etc.

(2) The accounts of the Commission and of every development corporation shall be audited by an auditor to be appointed annually by the Minister in relation to the Commission or corporation.

(3) No person shall be qualified to be so appointed auditor unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 c. 38. 1948 by the Board of Trade.

(4) As soon as the annual accounts of the Commission or a development corporation for any financial year have been audited, the Commission or corporation, as the case may be, shall send to the Minister a copy of the accounts prepared by them for that year in accordance with this section, together with a copy of any report made by the auditor thereon.

(5) The Minister shall prepare in respect of each financial year, in such form and manner and at such times as the Treasury may direct—

(a) an account of the sums issued to him out of the Consolidated Fund and advanced to the Commission under this Act, of sums received by him from the Commission and paid into the Exchequer in respect of the principal of and interest on sums so advanced, and of sums received by him from the Commission and paid into the Exchequer under section 45(1) of this Act; and

(b) an account of the sums issued to him out of the Consolidated Fund and advanced to a development corporation under this Act and of sums received by him from that development corporation and paid into the Exchequer in respect of the principal of and interest on sums so advanced.

(6) On or before 30th November in each year, the Minister shall transmit to the Comptroller and Auditor General—

- (a) the account prepared by the Minister under subsection (5)(a) above in respect of the last foregoing financial year, and
- (b) the account prepared by him under subsection (5)(b) above in respect of the last foregoing financial year and a copy of the annual accounts last sent to him by the development corporation in question under subsection (4) above, together with the report of the auditor thereon ;

and the Comptroller and Auditor General shall examine and certify every account so prepared by the Minister and lay before each House of Parliament copies of each such account together with his report thereon.

(7) As soon as possible after the end of each financial year—

- (a) the Commission shall make to the Minister a report dealing generally and in relation to each of their towns with their operations during that year, and shall include in the report a copy of their audited accounts for that year ;
- (b) every development corporation shall make to the Minister a report dealing generally with the operations of the corporation during that year, and shall include in the report a copy of their audited accounts for that year ;

and the Minister shall lay a copy of every such report before each House of Parliament.

(8) Without prejudice to the requirements imposed by subsection (7) above, the Commission and every development corporation shall respectively provide the Minister with such information relating to their undertaking as the Minister may from time to time require, and for that purpose shall permit any person authorised by the Minister in that behalf to inspect and make copies of the accounts, books, documents or papers of the Commission or corporation, as the case may be, and shall afford such explanation thereof as that person or the Minister may reasonably require.

(9) Directions under subsection (1) or (5) above may make different provisions as regards the Commission and as regards a development corporation.

(10) The financial year of the Commission and of every development corporation shall begin with 1st April, and

references to a financial year in relation to the Commission or a development corporation shall be construed accordingly.

47. There shall be paid out of money provided by Parliament (in addition to any sums authorised or required by virtue of any other provision of this Act to be so paid)— General provision as to expenses.

- (a) any expenses incurred by the Minister of Transport in the payment of compensation under section 14(4) or 26(7) of this Act ;
- (b) any expenses incurred by a government department under section 20(5)(b) of this Act ;
- (c) any administrative expenses incurred by the Minister for the purposes of this Act.

Miscellaneous and supplementary

48.—(1) References to undertakers in section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of undertakers exercising powers under any Act or statutory order) shall extend to the Commission ; and for the avoidance of doubt it is hereby declared that development corporations are undertakers within the meaning of that section. Application and exclusion of certain enactments. 1953 c. 25.

(2) For the purposes of section 6(3) of the Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to the acquisition of inalienable land) this Act shall be deemed to have been passed before the commencement of that Act. 1946 c. 49.

(3) Section 192 of the Highways Act 1959 (which provides for payments in respect of street works to be made where a new building is erected on a private street) shall not apply in a case where the building is proposed to be erected on land belonging to or in the possession of the Commission. 1959 c. 25.

(4) Property vested in any person by virtue of an order under section 40 or 41 of this Act transferring that property from a development corporation or from the Commission shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895 (which provides for charging stamp duty in the case of certain statutory transfers by way of sale). 1895 c. 16.

49.—(1) Where an authority, being either a development corporation or a local highway authority or the Minister of Transport, are authorised to acquire any land compulsorily under this Act or have under consideration the purchase of any land compulsorily thereunder, any person, being an officer of the Valuation Office or a person authorised in writing by the said authority, may at any reasonable time enter upon the land for the purpose of surveying it or estimating its value. Rights of entry.

(2) Any person, being an officer of the Valuation Office or a person authorised in writing by the Minister, may at any reasonable time enter upon any land for the purpose of surveying it or estimating its value in connection with any proposals relating to the land submitted or to be submitted under section 6(1) of this Act.

(3) A person authorised under the foregoing provisions of this section to enter upon any land shall, if so required, produce evidence of his authority before entering, and shall not demand admission as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) Any person who obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Local inquiries. 50.—(1) Subject to the following provisions of this section, the Minister or any other Minister may, for the purposes of the exercise of any of his functions under this Act, cause to be held such local inquiries as are directed by this Act and such other local inquiries as he may think fit.

1933 c. 51. (2) Subsections (2), (3) and (5) of section 290 of the Local Government Act 1933 (which relate to the giving of evidence at, and the costs of parties to, local inquiries) and, except as regards an inquiry held for the purposes of the exercise of the Minister's functions under any of the provisions of this Act specified in subsection (3) below, subsection (4) of that section (which relates to recovery of the costs of holding local inquiries) shall apply to inquiries held in pursuance of this Act as they apply to inquiries held under that section.

(3) The provisions of this Act referred to in the last foregoing subsection are the following, that is to say sections 37, 40, 41, 42(4) and (5) and 45 and Schedules 9 and 10.

(4) The provisions of this section are without prejudice to any other enactment authorising the holding of local inquiries.

Service of notices.

51.—(1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under this Act may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given, or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address, or

- (c) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode, or, in a case where an address for service has been given by that person, at that address, or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) Where the notice or document is required or authorised to be served on or given to any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of premises, the notice or document shall be taken to be duly served if—

- (a) being addressed to him by the description of “the owner” or “the occupier”, as the case may be, of the premises (describing them), it is delivered, left or sent in the manner specified in subsection (1)(a), (b) or (c) above, or
- (b) being addressed to him either by name or in accordance with paragraph (a) above, and marked in such manner as may be prescribed for securing that it shall be plainly identifiable as a communication of importance, it is sent to the premises in a prepaid registered letter or by the recorded delivery service and is not returned to the authority sending it, or is delivered to some person on those premises, or is affixed conspicuously to some object on those premises.

(3) Where the notice or other document is required to be served on or given to all persons having interests in, or being occupiers of, premises comprised in any land, and it appears to the authority required to serve or give the notice or other document that any part of that land is unoccupied, the notice or document shall be taken to be duly served on all persons having interests in, and on any occupiers of, premises comprised in that part of the land (other than an owner who in accordance with the provisions of this Act in that behalf has given to that authority an address for the service of the notice on him) if, being addressed to “the owners and any occupiers” of that part of the land (describing it) and marked as mentioned in the subsection (2) above, it is affixed conspicuously to some object on the land.

Ecclesiastical
property.

52.—(1) Where the fee simple of any ecclesiastical property is in abeyance, it shall be treated for the purposes of a compulsory acquisition of the property under this Act as being vested in the Church Commissioners, and any notice to treat shall be served, or be deemed to have been served, accordingly.

(2) Where under this Act any notice, other than a notice to treat, is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

Regulations
and orders.

53.—(1) The Minister may make regulations for the purpose of prescribing anything which is authorised or required to be prescribed under this Act.

(2) The power to make regulations under this Act shall be exercisable by statutory instrument; and any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power to make an order conferred by any of the provisions of this Act except section 40 shall include a power, exercisable in the like manner and subject to the like conditions, to vary or revoke the order.

(4) The power to make orders conferred by any of the following provisions of this Act, that is to say sections 1, 40 and 41, shall be exercisable by statutory instrument.

(5) A statutory instrument containing an order under section 1 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament if—

(a) the order is one designating an area as the site of a proposed new town, or designating an additional area of not less than 500 acres which would extend the area of a new town by not less than ten per cent.; and

(b) an objection to the order was duly made by a local planning authority and had not been withdrawn at the time the order was made.

(6) An order under section 39(5) of this Act shall be of no effect until it is approved by a resolution of the Commons House of Parliament.

Interpretation.

54.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“acquiring authority”, in relation to the acquisition under or for the purposes of this Act of any land (whether compulsorily or by agreement) or to a proposal so to acquire any land, means the development corporation, local highway authority or Minister of the Crown by whom the land is, or is proposed to be, acquired;

“the appropriate Minister”—

(a) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, means the Minister of Power;

(b) in relation to statutory undertakers carrying on an undertaking for the supply of water, means the Minister; and

(c) in relation to any other statutory undertakers, means the Minister of Transport;

“the Commission” means the Commission for the New Towns;

“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green;

“compulsory purchase order” means an order under section 7(1), 8(1) or 8(2) of this Act;

“development” includes re-development and “develop” shall be construed accordingly;

“development corporation” has the meaning assigned by section 2 of this Act;

“ecclesiastical property” means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction;

“enactment”, except in Schedule 10 to this Act, includes an enactment in any local or private Act of Parliament, and an order, byelaw or scheme made under an Act of Parliament;

“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act;

“held inalienably”, in relation to land belonging to the National Trust, means that the land is inalienable under section 21 of the National Trust Act 1907 or section 8 of the National Trust Act 1939; 1907 c. cxxxvi.
1939 c. lxxxvi.

“local authority” means the council of a county, county borough, London borough, or county district, the Common Council of the City of London and any other authority being a local authority within the meaning of the Local Loans Act 1875, and includes a local highway authority, any drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid; 1875 c. 83.

“local highway authority” means a highway authority other than the Minister of Transport;

- 1962 c. 38. “local planning authority” means the local planning authority within the meaning of the Town and Country Planning Act 1962 ;
- “the Minister” means the Minister of Housing and Local Government ;
- 1907 c. cxxxvi. “National Trust” means the National Trust for Places of Historic Interest or National Beauty incorporated by the National Trust Act 1907 ;
- “open space” means any land laid out as a public garden, or used for purposes of public recreation, or land being a disused burial ground ;
- “operational land”, in relation to statutory undertakers, means land which is used for the purpose of the carrying on of their undertaking and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of statutory undertakings ;
- “owner”, in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or reversion, or who holds or is entitled to the rents and profits of the building or land under a lease or agreement of which the unexpired term exceeds three years ;
- “planning permission” means permission under Part III of the Town and Country Planning Act 1962 ;
- “prescribed” (except in relation to matters expressly required or authorised by this Act to be prescribed in some other way) means prescribed by regulations under this Act ;
- “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of electricity, gas, hydraulic power or water, and “statutory undertaking” shall be construed accordingly ;
- “trolley vehicle” means a mechanically propelled vehicle adapted for use on roads without rails and moved by power transmitted to it from some external source ;
- “Valuation Office” means the Valuation Office of the Inland Revenue Department.

(2) Any reference in this Act to the area of a new town is a reference to the area designated as the site of that new town by the relevant order under section 1 of this Act.

(3) Any reference in this Act to the Minister and the appropriate Minister shall be construed, in relation to statutory undertakers for whom the Minister is the appropriate Minister, as a reference to the Minister; and any reference in this Act to the Minister of Transport and the appropriate Minister shall be construed, in relation to statutory undertakers for whom the Minister of Transport is the appropriate Minister, as a reference to the Minister of Transport.

(4) If, in relation to anything required or authorised to be done under this Act, any question arises as to which Minister is or was the appropriate Minister in relation to any statutory undertakers, that question shall be determined by the Treasury; and if, in relation to the authorisation under this Act of a compulsory acquisition of land, any question arises whether land of statutory undertakers is operational land, that question shall be determined—

- (i) in the case of an acquisition by a development corporation or local highway authority, by the Minister and the appropriate Minister;
- (ii) in the case of an acquisition by the Minister of Transport, by that Minister and the appropriate Minister.

(5) Words in this Act importing a reference to service of a notice to treat shall be construed as including a reference to the constructive service of such a notice which, by virtue of any enactment, is to be deemed to be served.

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

55.—(1) In so far as the provisions of this Act, other than—
 section 20,
 sections 36 and 37,
 section 41(1), (2), (4),
 paragraph 6 of Schedule 3,
 Schedules 9 and 10, and
 so far as they relate to the Commission, sections 42 to 46,
 apply to Wales, the functions of the Minister under those provisions shall be exercisable by the Secretary of State, instead of by the Minister.

Application
to Wales.

(2) In so far as the provisions of this Act apply to Wales the functions of the Minister of Transport under those provisions, other than his functions as the appropriate Minister or under section 32 of this Act, shall be exercisable by the Secretary of State, instead of by that Minister.

(3) In this section "Wales" includes Monmouthshire.

Saving and transitional provisions, consequential amendments and repeals. 1956 c. 33. 1946 c. 68.

1959 c. 62.

56.—(1) The saving and transitional provisions contained in Schedule 11 to this Act shall have effect.

(2) Without prejudice to paragraph 5 of the said Schedule 11, section 9(2) of the Housing Subsidies Act 1956 (under which the Minister, if he makes grants under section 12(2) of the New Towns Act 1946 in respect of certain dwellings, may recover contributions in respect of them from local authorities) and section 4(4) of the New Towns Act 1959 (which applies the said section 9(2) in relation to grants made to the Commission under the said section 4(4)) shall be amended by the substitution, for the references to section 12(2) of the New Towns Act 1946, of references to section 42(2) of this Act.

(3) The enactments specified in Schedule 12 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, commencement and extent.

1964 c. 8.

57.—(1) This Act may be cited as the New Towns Act 1965.

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

(3) The following provisions of this Act, that is to say section 43 and, so far as they effect the repeal of section 1(1) of the New Towns Act 1964, section 56(3) and Schedule 12, shall extend to Scotland; but except as aforesaid this Act does not extend to Scotland.

(4) Nothing in this Act extends to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

PROCEDURE FOR DESIGNATING SITE OF NEW TOWN

Making of orders under section 1

1.—(1) Where the Minister proposes to make an order under section 1 of this Act, he shall prepare a draft of the order, describing the area to be designated as the site of the proposed new town by reference to a map, either with or without descriptive matter, together with such statement as he considers necessary for indicating the size and general character of the proposed new town.

(2) In the case of any discrepancy between the map and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the draft order.

2. Before making the order the Minister shall publish in the London Gazette, in one or more newspapers circulating in the locality in which the proposed new town will be situated, and in such other newspapers, if any, as he considers appropriate in the circumstances, a notice—

- (a) describing the area to be designated as the site of the proposed new town ;
- (b) stating that the draft of an order under section 1 of this Act has been prepared by the Minister in relation to that area and is about to be considered by him ;
- (c) naming a place within that area where a copy of the draft order (including any map or descriptive matter annexed thereto) and of the statement required by paragraph 1 above may be seen at any reasonable hour ; and
- (d) specifying the time (not being less than twenty-eight days from the publication of the notice in the Gazette) within which, and the manner in which, objections to the proposed order may be made,

and shall, not later than the date on which the notice is published in the Gazette, serve a like notice on the council of every county and of every county district in which the land, or any part of the land, to which the order relates is situated, and on any other local authority who appear to him to be concerned with the order.

3. If any objection is duly made to the proposed order and is not withdrawn, the Minister shall, before making the order, cause a public local inquiry to be held with respect to the objection, and shall consider the report of the person by whom the inquiry was held.

4. Subject to the provisions of paragraph 3 above, the Minister may make the order either in terms of the draft or subject to such modifications as he thinks fit :

Provided that, except with the consent of all persons interested, the Minister shall not make the order subject to a modification including in the area designated as the site of the proposed new town any land not so designated in the draft order.

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5. As soon as may be after an order has been made as aforesaid, the Minister shall publish in the London Gazette, in one or more newspapers circulating in the locality in which the proposed new town will be situated, and in such other newspapers, if any, as he considers appropriate in the circumstances, a notice stating that the order has been made and naming a place within the area designated by the order as the site of the proposed new town where a copy of the order may be seen at any reasonable hour, and shall serve a like notice—

- (a) on any local authority on whom notice of the proposed order was served under paragraph 2 above ; and
- (b) on any other person who has duly made an objection to the proposed order and, at the time of making it or thereafter, has sent to the Minister a request in writing to serve him with the notice required by this paragraph, giving an address for service.

Validity and date of operation of orders under section 1

6. If any person aggrieved by an order under section 1 of this Act desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which notice of the making of the order is first published in accordance with the provisions of this Schedule in that behalf, make an application to the High Court ; and on any such application the Court—

- (a) may by interim order suspend the operation of the order or any provision contained therein, either generally or in so far as it affects any property of the applicant, until the final determination of the proceedings ; and
- (b) if satisfied that the order or any provision contained therein is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant.

7. Subject to the provisions of paragraph 6 above, an order under section 1 of this Act shall not, either before or after it has been made, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in that paragraph.

Section 2.

SCHEDULE 2

CONSTITUTION AND PROCEEDINGS OF DEVELOPMENT CORPORATIONS

Appointment of members and tenure of office

1.—(1) The members of a development corporation (in this Schedule referred to as “the corporation”) shall be appointed by the Minister after consultation with such local authorities as appear to him to be concerned with the development of the new

town, and in appointing members of the corporation the Minister shall have regard to the desirability of securing the services of one or more persons resident in or having special knowledge of the locality in which the new town will be situated.

(2) The Minister shall appoint two of the members to be respectively chairman and deputy chairman of the corporation.

2. Subject to the following provisions of this Schedule, a member of the corporation, and the chairman and deputy chairman of the corporation, shall hold and vacate office as such in accordance with the terms of the instrument by which they are respectively appointed.

3. If the chairman or deputy chairman of the corporation ceases to be a member of the corporation, he shall also cease to be chairman or deputy chairman, as the case may be.

4. Any member of the corporation may, by notice in writing addressed to the Minister, resign his membership; and the chairman or deputy chairman may, by the like notice, resign his office as such.

5. If the Minister is satisfied that a member of the corporation—

(a) has become bankrupt or made an arrangement with his creditors; or

(b) is incapacitated by physical or mental illness; or

(c) has been absent from meetings of the corporation for a period longer than three consecutive months without the permission of the corporation; or

(d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

the Minister may remove him from his office as a member of the corporation.

6. A member of the corporation who ceases to be a member or ceases to be chairman or deputy chairman shall be eligible for reappointment.

Remuneration

7. The corporation shall pay to their members, in respect of their office as such, such remuneration and such reasonable allowances in respect of expenses properly incurred in the performance of their duties as may be determined by the Minister with the consent of the Treasury, and shall pay to the chairman and deputy chairman, in respect of their office as such, such additional remuneration as may be so determined.

Meetings and proceedings

8. The quorum of the corporation and the arrangements relating to their meetings shall, subject to any directions given by the Minister, be such as the corporation may determine.

9. The validity of any proceeding of the corporation shall not be affected by any vacancy among their members or by any defect in the appointment of any of their members.

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Instruments, etc.

10. The fixing of the seal of the corporation shall be authenticated by the signature of the chairman or of some other member authorised either generally or specially by the corporation to act for that purpose.

11. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the corporation by any person generally or specially authorised by them to act for that purpose.

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

Sections 7, 8, 10.

SCHEDULE 3

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITIONS

PART I

Acquisitions by development corporations and local highway authorities

1.—(1) A compulsory purchase order made under this Act by a development corporation or local highway authority—

(a) shall designate the land to which it relates by reference to a map or maps annexed thereto, either with or without descriptive matter, and

(b) subject to that, shall be in such form as may be prescribed.

(2) In the case of any discrepancy between the map or maps and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the order.

2.—(1) After submitting the order to the Minister, the acquiring authority—

(a) shall publish a notice in the prescribed form describing the land, stating that an order authorising the compulsory acquisition thereof has been submitted to the Minister, naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at any reasonable hour, and specifying the time (not being less than twenty-eight days from the first local advertisement) within which, and the manner in which, objections to the order may be made; and

(b) if the Minister so directs in the case of the order in question, shall serve on every owner of any of the land to which the order relates a notice to the like effect as the notice required to be published under head (a) above:

Provided that head (b) above shall not apply if the order relates only to land within the area of a new town.

(2) The notice required to be published by sub-paragraph (1)(a) above shall be published— SCH. 3

(a) in the case of such an order as is described in the proviso to sub-paragraph (1) above, and in any other case where service on owners is not effected under head (b) of that sub-paragraph, by publishing it in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land to which the order relates is situated, and by affixing a copy of the notice, addressed to “the owners and any occupiers” of the land (describing it), to some conspicuous object or objects on the land ;

(b) where service on owners is effected under the said head (b), by publishing it in one or more newspapers circulating as aforesaid.

(3) Publication and, if applicable, service in accordance with the foregoing provisions of this paragraph shall be effected—

(a) in the case of an order relating only to land within the area of a new town, as soon as may be after the order has been submitted ;

(b) in any other case, as soon as may be after the order has been submitted and any direction of the Minister as to service on owners under sub-paragraph (1)(b) above has been given or the Minister has notified the acquiring authority that he does not propose to give such a direction.

(4) In this paragraph “the first local advertisement”, in relation to a notice, means the first publication of the notice in a newspaper circulating in the locality where the land to which the notice relates is situated, and includes, in relation to a notice so published once only, the publication thereof.

3. Subject to the provisions of paragraph 4 below in any case in which those provisions have effect, the Minister may confirm the order with or without modification, but shall not, unless all persons interested consent, so modify it as to extend it to any land which was not designated by the order as submitted.

4.—(1) If any objection is duly made to the order and is not withdrawn, the following provisions of this paragraph shall have effect.

For the purposes of this Schedule an objection shall not be treated as duly made unless—

(a) it is made within the time and in the manner specified in the notice required by paragraph 2 above, and

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

(2) Unless the Minister decides apart from the objection not to confirm the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the Minister shall, before making a final decision, consider the grounds of the objection as set out in the statement, and may, if he thinks fit,

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require the objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

(3) In so far as the Minister, after considering the grounds of the objection as set out in the original statement and any such further statement, is satisfied—

(a) that the objection relates to a matter which can be dealt with in the assessment of compensation, or

(b) in the case of an order relating to land within the area of a new town, that the objection is made on the ground that the acquisition is unnecessary or inexpedient,

the Minister may treat the objection as irrelevant for the purpose of making a final decision.

(4) If, after considering the grounds of the objection as set out in the original statement and any such further statement, the Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the Minister may make a final decision without further investigation as to those matters.

(5) Subject to sub-paragraphs (3) and (4) above, the Minister, before making a final decision, shall afford to the objector an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister; and if the person making the objection avails himself of that opportunity, the Minister shall afford an opportunity of appearing and being heard on the same occasion to the acquiring authority and to any other persons to whom it appears to the Minister to be expedient to afford it.

(6) Notwithstanding anything in the foregoing provisions of this paragraph, if it appears to the Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time when he so determines shall be dispensed with.

(7) In this paragraph any reference to making a final decision, in relation to an order, is a reference to deciding whether to confirm the order or what modification, if any, ought to be made.

5. As soon as may be after the order has been confirmed the acquiring authority shall publish in one or more newspapers circulating in the locality in which the land thereby designated is situated a notice in the prescribed form describing the land, stating that the order has been confirmed and naming a place where a copy of the order and of the map or maps and any descriptive matter annexed thereto may be seen at any reasonable hour, and shall serve a like notice on—

(a) any owner or occupier of any of the land thereby designated who, at any time after the publication of the notice of the

order as submitted, has sent to the acquiring authority a request in writing to serve him with the notice required by this paragraph giving an address for service and the prescribed particulars of his interest ;

- (b) any person who has duly made an objection to the order and at the time of making it or thereafter has sent to the acquiring authority such a request as aforesaid ; and
- (c) such other persons, if any, as the Minister may specify, whether individually or as members of a class of persons.

6. The Minister may by regulations make provision for enabling proceedings required to be taken for the purposes of paragraphs 1, 2 and 4 above in relation to an order authorising a compulsory acquisition of land in an area proposed to be designated as the site of a new town by an order a draft of which has been published in accordance with Schedule 1 to this Act, to be taken, so far as may be practicable, contemporaneously with the proceedings on the last-mentioned order.

PART II

*Special provisions applying to acquisitions
by local highway authorities*

7.—(1) Subject to this paragraph, where a compulsory purchase order under section 8(1) of this Act is submitted to the Minister, the notice required to be published under paragraph 2 above shall be published not only as mentioned in that paragraph but also by being exhibited at such places in the locality to which the order relates as appear to the acquiring authority to be suitable for bringing it to the attention of all persons concerned.

(2) Sub-paragraph (1) above shall not apply in any case where the Minister is satisfied that the land to which the compulsory purchase order relates is required for the purpose of a project—

- (a) which was adequately set out in a statement prepared for the purposes of an order under section 1 of this Act which has been made, or
- (b) which has been the subject of an inquiry for the purposes of section 7 or 9 of the Highways Act 1959, or of any of the following enactments no longer in force, that is to say section 1(3) of the Trunk Roads Act 1936 and section 1 of the Trunk Roads Act 1946 (to which the said section 7 corresponds), and section 4 of the Trunk Roads Act 1946 and section 14(1) of the Special Roads Act 1949 (to which the said section 9 corresponds).

8. Where there is submitted to the Minister a compulsory purchase order under section 8(1) of this Act authorising the acquisition of any land forming a frontage to, or abutting on or adjacent to, a road, and the Minister is satisfied as respects the whole or any part of the land—

- (a) that the acquisition would be requisite only for the purpose of controlling development, and
- (b) that every owner has entered, or is willing to enter, into such an agreement with the local highway authority or the

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Minister of Transport as is provided for by section 6(4) of this Act, or is bound by such an agreement, and that the agreement or proposed agreement is satisfactory for the said purpose,

the order shall not be confirmed so as to authorise the acquisition of any part of the land as to which the Minister is satisfied as aforesaid.

PART III

Acquisitions by Minister of Transport

9.—(1) A compulsory purchase order made under section 8(2) of this Act by the Minister of Transport—

- (a) shall designate the land to which it relates by reference to a map or maps annexed thereto, either with or without descriptive matter, and
- (b) subject to that, shall be in such form as the Minister of Transport may determine.

(2) In the case of any discrepancy between the map or maps and any such descriptive matter, the descriptive matter shall prevail except in so far as may be otherwise provided by the order.

10. Where the Minister of Transport proposes to make such an order, he shall prepare a draft thereof, and as soon as may be thereafter shall—

- (a) publish in the manner mentioned in paragraph 2 above, and
- (b) in any case in which he thinks it requisite to do so, serve on every owner of any of the land to which the order as prepared in draft relates,

a notice, in such form as he may determine, similar, with requisite adaptations, to the notice mentioned in paragraph 2(1) above.

11. Paragraphs 3, 4, 5, 7 and 8 above shall have effect in relation to such an order—

- (a) with the substitution, for references to the Minister and to the acquiring authority, of references to the Minister of Transport;
- (b) with the substitution, for references to an order as submitted and to the confirmation of an order, of references respectively to an order as prepared in draft and to the making of an order;
- (c) with the omission, in paragraph 4(5), of the reference to the acquiring authority;
- (d) with the substitution, for the references to a compulsory purchase order under section 8(1) of this Act and to the notice required by paragraph 2 above, of references respectively to a compulsory purchase order under section 8(2) of this Act and to the notice required by paragraph 10 above; and

- (e) with the substitution, in paragraph 8, of the words "the Minister of Transport proposes to make" for the words "there is submitted to the Minister".

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PART IV

Special provisions as to certain descriptions of land

12. In so far as a compulsory purchase order authorises the acquisition of land which is the property of a local authority, or of land belonging to the National Trust which is held by the Trust inalienably, the order shall be subject to special parliamentary procedure in any case where an objection to the order has been duly made by the local authority or the National Trust, as the case may be, and has not been withdrawn.

13.—(1) In so far as a compulsory purchase order authorises the acquisition of any land forming part of any common, open space or fuel or field garden allotment, the order shall be subject to special parliamentary procedure unless the Minister of Agriculture, Fisheries and Food (in the case of a common or of a fuel or field garden allotment), or the Minister (in the case of an open space, not being a common or such an allotment), is satisfied—

- (a) that there has been or will be given in exchange for such land other land, not being less in area, and being equally advantageous to the persons (if any) entitled to rights of common or other rights, and to the public, and that the land given in exchange has been or will be vested in the persons in whom the land acquired was vested, and subject to the like rights, trusts and incidents as attached to the land acquired; or
- (b) that the land is required for the widening of an existing highway and that the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public,

and certifies accordingly.

(2) Where it is proposed to give a certificate under this paragraph, the Minister having jurisdiction to give the certificate shall give public notice of his intention so to do, and—

- (a) after affording opportunity to all persons interested to make representations and objections in relation thereto, and
- (b) after causing a public local inquiry to be held in any case where it appears to him to be expedient so to do, having regard to any representations or objections made,

the said Minister may, after considering any representations and objections made and, if an inquiry has been held, the report of the person who made the inquiry, give the certificate.

(3) A compulsory purchase order may provide for vesting land given in exchange as mentioned in sub-paragraph (1) above in the persons, and subject to the rights, trusts and incidents, therein mentioned, and for discharging the land acquired from all rights, trusts and incidents to which it was previously subject.

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(4) As soon as may be after the giving of a certificate under this paragraph the acquiring authority shall publish in the London Gazette and, in each of two successive weeks, in one or more newspapers circulating in the locality in which the land designated by the order is situated, a notice in the prescribed form stating that the certificate has been given.

PART V

Validity and date of operation of compulsory purchase orders and certificates

14. If any person aggrieved by a compulsory purchase order, or by a certificate under paragraph 13 above, desires to question the validity thereof, or of any provision contained therein, on the ground that it is not within the powers of this Act or that any requirement of this Act or of any regulation made thereunder has not been complied with in relation to the order or certificate, he may, within six weeks from the date on which notice of the confirmation or making of the order or of the giving of the certificate is first published in accordance with the provisions of this Schedule in that behalf, make an application to the High Court; and on any such application the Court—

- (a) may by interim order suspend the operation of the order or any provision contained therein, or of the certificate, either generally or in so far as it affects the property of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that the order or any provision contained therein, or the certificate, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act or of any regulation made thereunder not having been complied with, may quash the order or any provision contained therein, or the certificate, either generally or in so far as it affects any property of the applicant.

15. Subject to the provisions of paragraph 14 above, a compulsory purchase order or a certificate under paragraph 13 above shall not, either before or after it has been made or confirmed or given, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which notice is first published as mentioned in the said paragraph 14.

16. This Part of this Schedule shall not apply to an order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945 but, except as aforesaid, shall have effect in relation to a compulsory purchase order to which that Act applies as if in paragraph 14 for the reference to the date on which notice of the confirmation or making of the order is first published in accordance with the provisions of this Schedule in that behalf there were substituted a reference to the date on which the order becomes operative under the said Act of 1945, and as if in paragraph 15 the words from "and shall become operative" to the end were omitted.

1945 c. 18
(9 & 10 Geo. 6).

SCHEDULE 4

Section 10.

PROCEDURE FOR AUTHORISING COMPULSORY ACQUISITION
OF STATUTORY UNDERTAKERS' OPERATIONAL LAND

PART I

*Acquisitions by development corporations and local
highway authorities*

1. An application by a development corporation or local highway authority for the purposes of section 10(1)(a) of this Act shall be in such form as may be prescribed, and shall describe by reference to a map the land to which the application relates.

2. As soon as may be after submitting the application to the Minister and the appropriate Minister the acquiring authority shall serve on every owner, lessee and occupier of any land to which the application relates a notice in the prescribed form describing the land, stating that an application under the said section 10(1)(a) has been submitted in relation to the land and is about to be considered by the Minister and the appropriate Minister, naming a place where a copy of the application and of the map referred to therein may be seen at all reasonable hours, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the application may be made.

3.—(1) If no objection is duly made by any of the persons on whom notices are required to be served, or if all objections so made are withdrawn, the Minister and the appropriate Minister may, if they think fit, make a compulsory purchase order in accordance with the application, with or without modification, but shall not, unless all persons interested consent, make the order with any modification which would extend it to any land to which the application did not relate.

(2) If any objection is duly made by any of the persons on whom notices are required to be served and is not withdrawn, the Minister and the appropriate Minister shall, before making an order on the application, consider the objection and shall, if either the person by whom the objection was made or the acquiring authority so desire, afford that person and the acquiring authority an opportunity of appearing before and being heard by a person appointed by the Minister and the appropriate Minister for the purpose, and may then, if they think fit, make an order as aforesaid.

(3) An objection shall not be deemed for the purposes of section 10 of this Act or this Schedule to be duly made unless—

(a) it is made within the time and in the manner specified in the notice in that behalf, and

(b) a statement in writing of the grounds of the objection is comprised in or submitted with the objection.

4. A compulsory purchase order made on such an application shall be in such form as the Minister and the appropriate Minister

SCH. 4 may determine, and shall describe by reference to a map the land to which the order relates.

5. As soon as may be after a compulsory purchase order has been made on such an application the acquiring authority shall serve on every owner, lessee and occupier of any land to which the order relates a notice in the prescribed form stating that the order has been made and naming a place where a copy of the order and of the map referred to therein may be seen at any reasonable hour.

PART II

Acquisitions by Minister of Transport

6. A compulsory purchase order made by the Minister of Transport and the appropriate Minister in pursuance of section 10(1)(b) of this Act shall be in such form as they may determine, and shall describe by reference to a map the land to which the order relates.

7. Where the Minister of Transport and the appropriate Minister propose to make such an order they shall prepare a draft thereof, and shall as soon as may be thereafter serve on every owner, lessee and occupier of any land to which the draft relates a notice in such form as they may determine describing the land, stating that the making of the order is proposed, naming a place where a copy of the draft and of the map referred to therein may be seen at any reasonable hour, and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the proposal may be made.

8. Paragraphs 3 and 5 of this Schedule shall have effect in relation to such an order—

- (a) with the substitution, for references to the Minister, of references to the Minister of Transport and, for references to an application and to the making of a compulsory purchase order thereon, of references to such an order as prepared in draft and to the making of such an order, and
- (b) with the omission of the references in paragraph 3(2) to the acquiring authority.

PART III

Modification of Schedule 3, Part V in relation to compulsory purchase orders made in pursuance of s. 10

9. Part V of Schedule 3 to this Act shall have effect in relation to a compulsory purchase order made in pursuance of section 10(1) of this Act with the substitution, for the references to the date on which notice of the confirmation or making of the order is first

published in accordance with the provisions of that Schedule in that behalf, of references to the date on which the service of notices required by paragraph 5 above is completed.

SCH. 4

SCHEDULE 5

Sections 13, 26.

ASSESSMENT OF COMPENSATION TO STATUTORY UNDERTAKERS

Measure of compensation

1.—(1) Where statutory undertakers are entitled to compensation as mentioned in section 13 or section 26(7) of this Act, the amount of the compensation shall (subject to paragraph 2 below) be an amount calculated in accordance with the following provisions of this paragraph.

(2) The said amount, subject to sub-paragraph (3) below, shall be the aggregate of the following amounts, that is to say—

(a) the amount of any expenditure reasonably incurred in acquiring land, providing apparatus, erecting buildings or doing work for the purpose of any adjustment of the carrying on of the undertaking rendered necessary by the proceeding giving rise to compensation ;

(b) whichever of the following is applicable, namely—

(i) where such an adjustment is made, the estimated amount of any decrease in net receipts from the carrying on of the undertaking pending the adjustment, in so far as the decrease is directly attributable to the proceeding giving rise to compensation, together with such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as the decrease is directly attributable to the adjustment, or

(ii) where no such adjustment is made, such amount as appears reasonable compensation for any estimated decrease in net receipts from the carrying on of the undertaking which is directly attributable to the proceeding giving rise to compensation ;

(c) where the compensation is under section 26(7) of this Act, and is in respect of the imposition of a requirement to remove apparatus, the amount of any expenditure reasonably incurred by the statutory undertakers in complying with the requirement, reduced by the value after removal of the apparatus removed.

(3) Where any such adjustment as is mentioned in sub-paragraph (2)(a) above is made, the aggregate amount mentioned in that sub-paragraph shall be reduced by such amount (if any) as appears to the Lands Tribunal to be appropriate to offset—

(a) the estimated value of any property (whether moveable or immovable) belonging to the statutory undertakers and used

SCH. 5

for the carrying on of their undertaking which, in consequence of the adjustment, ceases to be so used, in so far as the value of the property has not been taken into account under sub-paragraph (2)(c) above, and

- (b) the estimated amount of any increase in net receipts from the carrying on of the undertaking in the period after the adjustment has been completed, in so far as that amount has not been taken into account under sub-paragraph (2)(b) above and is directly attributable to the adjustment,

and by any further amount which appears to the Lands Tribunal to be appropriate, having regard to any increase in the capital value of immoveable property belonging to the statutory undertakers which is directly attributable to the adjustment, allowance being made for any reduction made under paragraph (b) above.

(4) References in this paragraph to a decrease in net receipts shall be construed as references to the amount by which a balance of receipts over expenditure is decreased, or a balance of expenditure over receipts is increased, or, where a balance of receipts over expenditure is converted into a balance of expenditure over receipts, as references to the aggregate of the two balances; and references to an increase in net receipts shall be construed accordingly.

(5) In this paragraph "proceeding giving rise to compensation" means the particular action (that is to say, the acquisition, the extinguishment of a right or the imposition of a requirement) in respect of which compensation falls to be assessed, as distinct from any development or project in connection with which that action may have been taken.

Exclusion of paragraph 1 at option of statutory undertakers

1961 c. 33.

2.—(1) Where statutory undertakers are entitled to compensation in respect of a compulsory acquisition, the statutory undertakers may by notice in writing under this paragraph elect that the compensation shall be ascertained in accordance with the enactments (other than rule (5) of the rules set out in section 5 of the Land Compensation Act 1961) which would be applicable apart from paragraph 1 above; and if the undertakers so elect the compensation shall be ascertained accordingly.

(2) An election under this paragraph may be made either in respect of the whole of the land comprised in the compulsory acquisition in question or in respect of part of that land.

(3) Any notice under this section shall be given to the acquiring authority before the end of the period of two months from the date of service of notice to treat in respect of the interest of the statutory undertakers.

Procedure for assessing compensation where paragraph 1 applies

3.—(1) Where the amount of any such compensation as is mentioned in paragraph 1(1) above falls to be ascertained in accordance with the provisions of the said paragraph 1, the compensation shall,

in default of agreement, be assessed by the Lands Tribunal, if apart from this paragraph it would not fall to be so assessed. SCH. 5

(2) For the purposes of any proceedings arising before the Lands Tribunal in respect of compensation falling to be ascertained as mentioned in sub-paragraph (1) above, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply as they apply to proceedings on a question referred to the Tribunal under section 1 of that Act, but with the substitution in section 4 of that Act, for references to the acquiring authority, of references to the person from whom the compensation is claimed. 1961 c. 33.

SCHEDULE 6

Section 12.

MODIFICATIONS OF ENACTMENTS FOR PURPOSES OF THIS ACT

PART I

Compulsory Purchase Act 1965

1.—(1) Part I of the Compulsory Purchase Act 1965 as applied by this Act shall have effect as if section 27 (acquiring authority to make good deficiencies in rates) and section 32 (commencement) were omitted. 1965 c. 56.

(2) In construing the said Act as applied by this Act—

- (a) this Act or, in relation to a compulsory acquisition, this Act and the compulsory purchase order, shall be deemed to be the special Act ;
- (b) “the acquiring authority” shall have the meaning given by this Act ;
- (c) “subject to compulsory purchase” in relation to a compulsory acquisition shall mean land the compulsory purchase of which is authorised by the compulsory purchase order, and in relation to the acquisition of land by agreement shall mean land which may be purchased by agreement under this Act ;
- (d) references to the execution of the works shall be construed as including references to any erection, construction or carrying out of buildings or works authorised by this Act ;
- (e) in relation to any erection, construction or carrying out of any building or works so authorised, references in section 10 of the said Act of 1965 (compensation for injurious affection) to the promoters of the undertaking shall be construed as references to the person by whom the buildings or works in question are erected, constructed or carried out ; and
- (f) references to the execution of the works shall be construed as including also references to any erection, construction or carrying out of buildings or works on behalf of the Minister of Transport on land acquired by him under section 8 of this Act, where the buildings or works are erected, constructed or carried out for the purposes for which the land was acquired.

SCH. 6
1965 c. 56.

2. Nothing in the provisions of Part I of the Compulsory Purchase Act 1965 as applied by this Act in relation to the acquisition of land by agreement, or in this Act as so applying, shall enable a local authority to sell for the purpose of this Act without the consent of any Minister any land which they could not have sold without that consent apart from the provisions of this paragraph.

3. The acquiring authority shall, without prejudice to any power in that behalf exercisable by them apart from this paragraph, be entitled, notwithstanding anything in section 5 of the said Act of 1965 or in any other provision of that Act, to acquire one or some of two or more interests subsisting in the land without acquiring the other interest or interests subsisting therein.

4.—(1) If the acquiring authority have, in respect of any of the land, served notice to treat on every owner of that land, they may at any time thereafter serve a notice—

(a) on every occupier of any of that land, and

(b) on every person (other than such an occupier) who, having been served with a notice to treat in respect of that land, has requested the acquiring authority in writing to serve him with any notice under this sub-paragraph and has furnished them with an address for service thereof,

describing the land to which the notice relates and stating their intention to enter on and take possession thereof at the expiration of such period (not being less than fourteen days) as may be specified in the notice.

(2) At the expiration of the period specified in such a notice (or, where two or more such notices are required, and the periods specified in the several notices do not expire at the same time, of the last of those periods to expire), or at any time thereafter, the acquiring authority may enter on and take possession of the land to which the notice or notices relate without previous consent or compliance with section 11 of the Compulsory Purchase Act 1965, but subject to payment of the like compensation for the land of which possession is taken, and interest on the compensation agreed or awarded, as they would have been required to pay if those provisions had been complied with.

(3) The provisions of this paragraph shall have effect instead of section 11(1) of the Compulsory Purchase Act 1965.

1946 c. 49.

5. Section 30(3) of the Compulsory Purchase Act 1965 (service of notices in accordance with Acquisition of Land Act of 1946) shall not apply but notice required to be served by the acquiring authority may, notwithstanding anything in subsection (1) of that section, be served and addressed in the manner specified in section 51 of this Act in relation to notices required to be served under this Act.

PART II

1961 c. 33.

The Land Compensation Act 1961

6. The Lands Tribunal shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, work done or improvement or

alteration made, whether on the land acquired or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the Lands Tribunal is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation. SCH. 6

7. The power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall not be exercisable in the case of a notice to treat which is deemed to have been served by virtue of section 11 of this Act. 1961 c. 33.

SCHEDULE 7

Section 16.

FURTHER PROVISIONS WITH RESPECT TO ORDERS PROVIDING FOR EXPEDITED COMPLETION

Introductory

1. The provisions of this Schedule shall have effect with respect to any compulsory purchase order which includes a direction, under section 15(1) of this Act, that the provisions of this Act relating to expedited completion shall apply to the order so far as it relates to land specified in the direction ; and in this Schedule " the relevant land " means the land so specified.

Particulars to be included in notice of confirmation of order

2. The notice of the confirmation or making of the order required by this Act to be published—

- (a) shall refer to the provisions as to entry and vesting contained in section 16(6) of this Act, and
- (b) shall include a notification to the effect that every person entitled to claim compensation in respect of any of the relevant land or any interest in such land is invited to give information to the acquiring authority, in the prescribed form, with respect to his name and address and the land and interest in question.

Certificate of acquiring authority for purpose of determining date of vesting

3. For the purposes of section 16 of this Act, a certificate given by the acquiring authority stating that the service of notices on occupiers required by subsection (5) of that section was completed on a date specified in the certificate shall be conclusive evidence of the fact so stated.

Exclusion of power of entry conferred by Schedule 6 to this Act

4. Paragraph 4 of Schedule 6 to this Act shall not have effect in relation to the order.

SCH. 7

Restriction on withdrawal of constructive notice to treat

1961 c. 33.

5. The power conferred by section 31 of the Land Compensation Act 1961 to withdraw a notice to treat shall, in the case of a notice to treat which is deemed to have been served by virtue of section 16(2) of this Act, not be exercisable at any time after the interest in respect of which the notice is deemed to have been served has vested in the acquiring authority by virtue of section 16(6) of this Act.

Special provisions with respect to parts of buildings, etc.

6.—(1) Where a part only of a house, building or manufactory, or of a park or garden belonging to a house, is comprised in the relevant land, then, if notice in that behalf is given to the acquiring authority in accordance with the provisions of sub-paragraph (2) below, no notice to treat shall be deemed by virtue of section 16(2) of this Act to have been served in respect of any interest in the said part; and, as from the giving of the first-mentioned notice, the order shall have effect in relation to that part as if it had not been comprised in the relevant land.

(2) A notice under sub-paragraph (1) above in respect of any premises consisting of part of a house, building, manufactory, park or garden may be given to the acquiring authority by any person having in those premises an interest in respect of which, but for that sub-paragraph, a notice to treat would be deemed to have been served, but shall not have effect if given before the order has come into operation or after the acquiring authority have executed in respect of those premises a declaration under section 16(3) of this Act.

1965 c. 56.

(3) Section 8(1) of the Compulsory Purchase Act 1965 (which is superseded by the foregoing provisions of this paragraph) shall not have effect in relation to the order.

Compensation not to be affected by provision for expedited completion

7. Where any of the relevant land has become vested in the acquiring authority by virtue of section 16(6) of this Act, the authority shall be liable to pay the like compensation for the land, and the like interest on the compensation agreed or awarded, as they would have been required to pay if section 11 of the Compulsory Purchase Act 1965, and the provisions of that Act compliance with which would have been requisite in order to render exercisable by them the powers referred to in the said section 16(6), had been complied with.

Exclusion of provisions of Compulsory Purchase Act 1965 relating to absent parties and interests omitted to be purchased

8. Where a notice to treat is deemed by virtue of section 16(2) of this Act to have been served in respect of any interest section 22 of, and Schedule 2 to, the Compulsory Purchase Act 1965 shall not apply.

Rentcharges and leases affecting relevant land and other land

SCH. 7

9.—(1) Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, charged with a rentcharge, such portion of the rentcharge as may be apportioned under section 18(2) of the Compulsory Purchase Act 1965 c. 56. 1965 to the first-mentioned land shall, subject to sub-paragraph (3) below, be treated as having been extinguished by virtue of section 16(6) of this Act on the vesting of that land in the acquiring authority under that subsection.

(2) Where by virtue of sub-paragraph (1) above a portion of a rentcharge is treated as having been extinguished, section 18 of the said Act of 1965 shall have effect as if the extinguishment had taken place under section 18(3) of that Act.

(3) If, in the circumstances described in sub-paragraph (1) above, the person entitled to the rentcharge and the owner of the land subject thereto, enter into an agreement to that effect, the said section 18 shall have effect as if, at the time of the vesting of the relevant land in the acquiring authority under section 16(6) of this Act, the person entitled to the rentcharge had released that land from the rentcharge on the condition mentioned in section 18(2) of the said Act of 1965 ; and, in that case, no part of the rentcharge shall be treated as having been extinguished by virtue of the said section 16(6) so far as regards the remaining part of the land charged therewith.

(4) In this paragraph references to a rentcharge include references to any such rent-service, chief or other rent, or other payment or incumbrance, as is mentioned in the words introductory to the said section 18.

10. Where land consisting or forming part of the relevant land is, together with other land not comprised in the relevant land, comprised in a lease for a term of years unexpired, section 19 of the said Act of 1965 shall have effect in relation thereto with the substitution, for references therein to the time of the apportionment of rent therein mentioned, of references to the time of the vesting in the acquiring authority of the leasehold interest in the first-mentioned land under section 16(6) of this Act.

Miscellaneous

11. Where any of the relevant land has become vested in the acquiring authority under section 16(6) of this Act, any person who, in consequence thereof, is relieved from any liability (whether in respect of a rentcharge, rent under a lease, mortgage interest or any other matter) and makes any payment as in satisfaction or part satisfaction of that liability shall, if he shows that when he made the payment he did not know of the facts which constitute the cause of his being so relieved, or of some one or more of those facts, be entitled to recover the sum paid as money had and received to his use by the person to whom it was paid.

12. Where, at the time of the vesting of an interest in the acquiring authority by virtue of section 16(6) of this Act, the compensation payable in respect thereof is not finally ascertained, section

SCH. 7
1895 c. 16.

12 of the Finance Act 1895 (which provides for the collection of stamp duty, where property is vested by way of sale by virtue of an Act, within three months from the date of vesting) shall have effect, with respect to the vesting of that interest, with the substitution, for the reference therein to the date of vesting, of a reference to the date on which the compensation has become finally ascertained.

1925 c. 20.

13. Where, after land has become vested in the acquiring authority under section 16(6) of this Act, a person retains possession of any document relating to the title to the land, he shall be deemed to have given to the acquiring authority an acknowledgment in writing of the right of the authority to production of that document and to delivery of copies thereof and (except where he retains possession of the document as mortgagee or as trustee or otherwise in a fiduciary capacity) an undertaking for safe custody thereof, and section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment and undertaking did not contain any such expression of contrary intention as is mentioned in that section.

14.—(1) The time within which a question of disputed compensation, arising out of an acquisition of an interest in land in respect of which a notice to treat is deemed to have been served by virtue of section 16(2) of this Act, may be referred to the Lands Tribunal shall be six years from the date at which the person claiming compensation, or a person under whom he derives title, first knew, or could reasonably be expected to have known, of the vesting of the interest by virtue of section 16(6) of this Act.

1939 c. 21.

(2) This paragraph shall be construed as one with Part I of the Limitation Act 1939.

Sections 23,
28, 30.

SCHEDULE 8

PROCEDURE FOR DEALING WITH OBJECTIONS TO ORDERS UNDER SS. 23, 28 AND 30

1.—(1) In this Schedule “the relevant Minister” means—

- (a) in relation to an order under section 23 of this Act, the Minister ;
- (b) in relation to an order under section 28 of this Act, the Minister and the appropriate Minister ;
- (c) in relation to an order under section 30 of this Act, the appropriate Minister.

(2) In this Schedule any reference to making a final decision, in relation to an order, is a reference to deciding whether to make the order or what modification, if any, ought to be made.

2. Unless the relevant Minister decides apart from the objection not to make the order, or decides to make a modification which is agreed to by the objector as meeting the objection, the relevant Minister shall, before making a final decision, consider the grounds of the objection as set out in the statement comprised in or submitted with the objection, and may, if he thinks fit, require the

objector to submit within a specified period a further statement in writing as to any of the matters to which the objection relates.

SCH. 8

3. In so far as the relevant Minister, after considering the grounds of the objection as set out in the original statement and in any such further statement, is satisfied that the objection relates to a matter which can be dealt with in the assessment of compensation, the relevant Minister may treat the objection as irrelevant for the purpose of making a final decision.

4. If, after considering the grounds of the objection as set out in the original statement and in any such further statement, the relevant Minister is satisfied that, for the purpose of making a final decision, he is sufficiently informed as to the matters to which the objection relates, or if, where a further statement has been required, it is not submitted within the specified period, the relevant Minister may make a final decision without further investigation as to those matters.

5. Subject to paragraphs 3 and 4 above, the relevant Minister, before making a final decision, shall afford to the objector an opportunity of appearing before, and being heard by, a person appointed for the purpose by the relevant Minister; and if the objector avails himself of that opportunity, the relevant Minister shall afford an opportunity of appearing and being heard on the same occasion to the statutory undertakers, development corporation or other person, if any, on whose representation the order is proposed to be made, and to any other persons to whom it appears to the relevant Minister to be expedient to afford such an opportunity.

6. Notwithstanding anything in the foregoing provisions of this Schedule, if it appears to the relevant Minister that the matters to which the objection relates are such as to require investigation by public local inquiry before he makes a final decision, he shall cause such an inquiry to be held; and where he determines to cause such an inquiry to be held, any of the requirements of those provisions to which effect has not been given at the time of that determination shall be dispensed with.

SCHEDULE 9

Section 35.

PROVISIONS AS TO COMMISSION FOR THE NEW TOWNS

Appointment, resignation and removal of members

1.—(1) The members of the Commission, of whom there shall be not more than fifteen, shall be appointed by the Minister, and he shall appoint one of them to be chairman and one to be deputy chairman.

(2) Subject to the following provisions of this Schedule, a member of the Commission, and the chairman and deputy chairman, shall hold and vacate office as such in accordance with the terms of his appointment.

(3) If the chairman or deputy chairman of the Commission ceases to be a member of the Commission, he shall also cease to be chairman or deputy chairman.

SCH. 9

(4) A member of the Commission may, by notice in writing addressed to the Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.

(5) If the Minister is satisfied that a member of the Commission—

(a) has become bankrupt or made an arrangement with his creditors ; or

(b) is incapacitated by physical or mental illness ; or

(c) has been absent from meetings of the Commission for a period longer than three consecutive months without the permission of the Commission ; or

(d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,

the Minister may remove him from his office as a member of the Commission.

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

Remuneration, pensions, etc., of members

2.—(1) The Minister may, out of moneys provided by Parliament, pay to persons holding office as chairman, deputy chairman or member of the Commission such remuneration in respect of that office as he may with the consent of the Treasury determine, and the Commission may pay to those persons such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.

(2) In the case of any such person as the Minister may with the consent of the Treasury determine, the Minister may, in respect of that person's office as chairman, deputy chairman or member of the Commission, pay out of moneys provided by Parliament such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined.

(3) As soon as may be after the making of any determination under sub-paragraph (2) above, the Minister shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity, or the contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.

1953 c. 25.

(4) Section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers), as extended by section 48(1) of this Act, shall apply to members of the Commission as if they were employees of the Commission ; but where a member of the Commission is admitted by virtue of this sub-paragraph to participate in the benefits of a superannuation fund maintained by a local authority, then—

(a) sub-paragraph (2) above shall not apply to him ; and

- (b) the Minister shall make out of moneys provided by Parliament any payments which in consequence of the agreement are required to be made to the superannuation fund in respect of him by the employing authority, and may make from his remuneration any deductions which in consequence of the agreement the employing authority might make in respect of his contributions to that fund.

SCH. 9

Committees

3.—(1) The Commission may make arrangements for any part of their business in any town, or in two or more towns, to be conducted on behalf of the Commission (but subject to their general control) by a committee consisting partly of persons who are not members or servants of the Commission.

(2) It shall be the duty of the Commission to make, in relation to the management of land held by them in any town for the purpose of being let for dwellings, arrangements under this paragraph approved by the Minister.

(3) The Commission's appointments to any committee set up by virtue of this paragraph shall be subject to the Minister's approval.

(4) Before making any appointment to a committee set up in pursuance of sub-paragraph (2) above, the Commission shall consult with the council of any county district comprising a substantial part of the area for which the committee is set up.

(5) The Commission may adopt, in addition to the common seal in general use by the Commission, such additional common seals as they think fit for use on their behalf by committees set up under this paragraph.

Quorum, procedure and validity of proceedings of Commission and committees

4.—(1) The quorum of the Commission and the arrangements relating to its meetings shall, subject to any directions given by the Minister, be such as the Commission may determine.

(2) The quorum of any committee set up under paragraph 2 above and the arrangements relating to its meetings, so far as not provided for by the arrangements made for setting up the committee, shall be such as the committee may determine.

(3) The validity of any proceeding of the Commission or of such a committee shall not be affected by any vacancy among its members or by any defect in the appointment of any of its members.

Sealing and execution of documents

5.—(1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman or of some other member authorised generally or specially by the Commission to act for that purpose or, in the case of a seal adopted for use by a committee, by the signature of the chairman of the committee or

SCH. 9 of some other member of the committee authorised generally or specially by the committee to act for that purpose.

(2) Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Commission by any person generally or specially authorised to act for that purpose by the Commission or a committee set up under paragraph 3 above.

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

Section 41.

SCHEDULE 10

PROVISIONS RELATING TO TRANSFER TO COMMISSION OF PROPERTY OF DEVELOPMENT CORPORATION

1.—(1) Subject to the following provisions of this Schedule, where an order under this Act provides that on a specified date the property of a development corporation (so far as not excepted by the order) shall vest in the Commission, then on that date (referred to below as the transfer date) there shall by virtue of the order and without further assurance be transferred to the Commission all property, rights, liabilities and obligations which immediately before the transfer date were property, rights, liabilities or obligations of the corporation.

(2) Subject as aforesaid, every agreement to which the development corporation was a party immediately before the transfer date, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the corporation, shall, unless its terms or subject matter make it impossible that it should have effect as modified in the manner provided by this sub-paragraph, have effect as from the transfer date as if—

- (a) the Commission had been a party to the agreement ;
- (b) for any reference (however worded and whether express or implied) to the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the Commission ;
- (c) for any reference (however worded and whether express or implied) to any member or officer of the corporation there were substituted, as respects anything falling to be done on or after the transfer date, a reference to such person as the Commission may appoint, or, in default of appointment, to the member or officer of the Commission who corresponds as nearly as may be to the member or officer in question of the corporation.

(3) Other documents, not being enactments, which refer, whether specifically or generally, to the corporation shall be construed in accordance with sub-paragraph (2) above so far as applicable.

(4) Without prejudice to the generality of the foregoing sub-paragraphs, where, by the operation of any of them, any right, liability or obligation vests in the Commission, the Commission and all other persons shall, as from the transfer date, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for asserting, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the Commission.

(5) Any legal proceedings or application to any authority pending on the transfer date by or against the development corporation (and not relating to property, rights, liabilities or obligations excepted by the order from the transfer to the Commission) may be continued on and after that date by or against the Commission.

2.—(1) Any such order as aforesaid may, if the Minister sees fit, except from the transfer to the Commission—

- (a) any books, papers, or documents of the corporation ;
- (b) any property (including in particular any trade or business) which the corporation have agreed to transfer to some person other than the Commission, together with the corporation's rights, liabilities and obligations under that agreement, and any other rights, liabilities or obligations which it is necessary for the corporation to retain in order to give effect to that agreement ;
- (c) such other property as the Minister thinks expedient for the purpose of enabling the corporation to discharge any functions remaining to it ;

and may provide for the disposal of any property so excepted and of any property received by the corporation after the transfer date under any such agreement or otherwise.

(2) Any expenses of the corporation on or after the transfer date, so far as not defrayed out of any such property as is mentioned in sub-paragraph (1) above, shall be defrayed by the Commission.

3.—(1) Subject to the following provisions of this Schedule, on the transfer date this Act and any other enactment relating to areas designated under section 1 of this Act as the site of a new town shall cease to apply to the town as an area so designated, except for the purpose of any functions remaining to the development corporation by virtue of paragraph 2 above ; and nothing in paragraph 1 above shall be construed as conferring on the Commission any rights, liabilities or obligations of a development corporation under any enactment.

(2) Sub-paragraph (1) above shall not affect the operation of paragraph 1 above or of any other enactment in relation to things done by or to a development corporation before the transfer date or in relation to matters arising out of things so done ; but no order shall be made under any enactment on or after the transfer date by virtue of this sub-paragraph.

SCH. 10 (3) Without prejudice to the generality of sub-paragraph (2) above—

1962 c. 38. (a) any permission for development in the new town granted by an order made, or having effect as if made, under section 14 of the Town and Country Planning Act 1962 and in force on the transfer date shall continue in force as if references in the order to the development corporation included the Commission ;

(b) where an undertaking for the supply of water or a sewerage or sewage disposal undertaking carried on by the development corporation is transferred to the Commission, the Commission shall have power to carry on the undertaking, and any enactment applying in relation to the carrying on or disposal of the undertaking by the corporation or to the corporation in virtue of the undertaking shall have effect also in relation to the carrying on or disposal of it by the Commission and to the Commission in virtue of it ;

(c) where the development corporation were making contributions under section 3(3)(a) of this Act to expenditure of a local authority or statutory undertakers, or had obtained the Minister's consent to making such contributions, the Commission shall have power to make or continue to make those contributions, whether or not the development corporation had undertaken any obligation to do so ;

1958 c. 42.

(d) where the development corporation had entered into authorised arrangements within the meaning of Part I of the Housing (Financial Provisions) Act, 1958, then for the purpose of those arrangements the Commission shall be deemed to be a housing association within the meaning of the Housing Act 1957, and any enactment applying in relation to the development corporation as a housing association or in virtue of the arrangements shall apply in like manner to the Commission.

1957 c. 56.

(4) Section 8 of this Act and, so far as they have effect for the purposes of the said section 8, the other provisions of this Act shall, notwithstanding anything in sub-paragraph (1) above, continue to have effect in relation to the town for such period (if any) as may be specified in the order under section 41 of this Act relating to the town ; and that order may provide that any other enactment applying in relation to the town immediately before the transfer date shall continue to apply, subject or not to any modifications specified in the order.

1889 c. 63.

(5) Where an enactment ceases to apply in relation to the town by virtue of this Schedule, section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals), shall have effect as it has effect on the repeal of one Act by another.

4.—(1) Where—

(a) the Commission, by virtue of this Schedule, provide any housing accommodation in pursuance of authorised arrangements made between a development corporation and a local authority ; or

- (b) any housing accommodation provided by a development corporation (whether in pursuance of any such arrangements or not) is transferred to the Commission under this Act, including housing accommodation not completed at the transfer date, SCH. 10

section 4(1) to (4) of the New Towns Act 1959 shall not apply, 1959 c. 62. but (without prejudice to the generality of the foregoing paragraphs of this Schedule) there shall or may be made to or by the Commission, the Minister and any local authority the like payments by way of or in respect of any subsidy, grant or contribution as would be required or authorised to be made by any enactment, or by any agreement or arrangements made by virtue of any enactment, as if the Commission were that corporation and were acting in discharge of the corporation's functions under this Act.

(2) Where a house or hostel provided by or transferred to the Commission as aforesaid is transferred to a local authority within the meaning of Part I of the Housing (Financial Provisions) Act, 1958 c. 42. 1958, sub-paragraph (1) above shall not have the effect of applying section 19(3) or section 22(2) of that Act, but—

(a) any subsidy or contribution payable by virtue of that sub-paragraph in respect of the house or hostel shall cease to be payable ; and

(b) the Minister shall (subject to any power under that Act to reduce, suspend or discontinue any payments) pay to the local authority sums equivalent to the subsidies or contributions which would be payable in respect of the house or hostel if it had not been transferred to the authority ;

and any payment which the Minister is authorised to make under paragraph (b) of this sub-paragraph shall be included in the expression "exchequer payment" as defined in section 58(2) of that Act.

(3) In respect of expenditure of a development corporation on matters other than the provision of housing accommodation, the Minister may with the approval of the Treasury make to the Commission payments not exceeding those which, in his opinion, he would have made to the corporation under section 42(2) of this Act.

(4) There shall be paid out of moneys provided by Parliament any expenses of the Minister under sub-paragraph (2) or (3) above, and there shall be paid into the Exchequer any sums received by the Minister by virtue of sub-paragraph (1) above.

5.—(1) The power of the Minister to make advances to the Commission under section 42(4) of this Act shall extend to the making of advances for the purpose of enabling the Commission to meet liabilities transferred to them from a development corporation, being liabilities properly chargeable to capital account by the corporation, or to make good to revenue account sums applied by a development corporation in meeting liabilities so chargeable.

(2) Where the liabilities of a development corporation for the repayment of advances under section 42(1) of this Act, or for the

SCH. 10 payment of interest on such advances, are transferred to the Commission, sections 44(3) and (4), 45(2) and 46(5)(a) of this Act shall apply in relation to those advances as if those advances had been made to the Commission under section 42(4) of this Act, and section 46(5)(b) of this Act shall cease to apply in relation to them.

6.—(1) In this Schedule “enactment” means any Act of Parliament and any order, rules, regulations or similar instrument having effect by virtue of an Act of Parliament, and includes enactments passed or made on or after the date of the passing of this Act, except in so far as any such enactment provides to the contrary.

(2) Without prejudice to the foregoing sub-paragraph, the references in paragraph 4(1) above to any enactment shall be construed as including references to an enactment passed at any time before, on or after the date of the passing of this Act and, in particular, to the provisions of the Housing Act 1961.

1961 c. 66.

Section 56.

SCHEDULE 11

SAVING AND TRANSITIONAL PROVISIONS

1. In so far as any order, regulation, certificate, declaration or other instrument made, given or executed under any enactment repealed by this Act, or any other thing done under or by virtue of any such enactment, could have been made, given, executed or done under or by virtue of a corresponding provision of this Act, it shall not be invalidated by the repeals effected by section 56 of this Act but, subject to paragraph 3 below, shall have effect as if made, given, executed or done under or by virtue of that corresponding provision.

2. Without prejudice to paragraph 1 above, any provision of this Act relating to anything done or required or authorised to be done under, or by reference to, that provision or any other provision of this Act shall, subject to paragraph 3 below, have effect as if any reference to that provision or that other provision, as the case may be, included a reference to the corresponding provision of the enactments repealed by this Act.

3. Notwithstanding anything in paragraph 1 or 2 above—

1946 c. 68.

(a) any advance made to a development corporation before the commencement of this Act under section 12(1) of the New Towns Act 1946 shall be regarded for the purposes of section 43 of this Act as having been made under the said section 12(1) and not under section 42(1) (the corresponding provision) of this Act ;

1959 c. 62.

(b) any advance made to the Commission before the commencement of this Act under section 3(1) of the New Towns Act 1959 shall be regarded for the purposes of the said section 43 as having been made under the said section 3(1) and not under section 42(4) (the corresponding provision) of this Act ; and

(c) any advance made to the Commission before the commencement of this Act under section 3(2) of the New Towns Act 1959 shall be regarded for the purposes of section 42(5)

of this Act as having been made under the said section 3(2) and not under the said section 42(5) (the corresponding provision) of this Act. SCH. 11

4. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

5.—(1) Where any Act (whether passed before, or in the same Session as, this Act) or any document refers, either expressly or by implication, to an enactment (including an enactment as applied by the New Towns Act 1946) repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act. 1946 c. 68.

(2) Sub-paragraph (1) above shall not apply to section 9(1) or 10 of the New Towns Act 1959. 1959 c. 62.

6.—(1) Notwithstanding section 8(3) of this Act, paragraph 12 of Schedule 3 to this Act shall not apply to a compulsory purchase order under section 8 of this Act in the case of which any of the following things is done before the commencement of this Act, that is to say—

- (a) the order is submitted to the Minister under Part I of Schedule 3 to this Act or an application for the order is submitted to the Minister and the appropriate Minister under Part I of Schedule 4 to this Act ;
- (b) a notice relating to a draft of the order is published under Part III of the said Schedule 3 or served under Part II of the said Schedule 4.

(2) Notwithstanding the said section 8(3), paragraph 13 of Schedule 3 to this Act shall not apply to a compulsory purchase order under section 8(2) of this Act in the case of which either of the things mentioned in sub-paragraph (1)(b) above is done before the commencement of this Act.

7. Where immediately before the commencement of this Act the Minister was entitled to recover any sum from a local authority under section 9(2) of the Housing Subsidies Act 1956 or the said section 9(2) as applied by section 4(4) of the New Towns Act 1959, his right to recover that sum under the said section 9(2) shall not be affected by anything in this Act. 1956 c. 33.

8. Without prejudice to paragraph 5 above, the reference to section 53 of the Town and Country Planning Act 1944 as applied by the New Towns Act 1946 contained in Part II of Schedule 3 to the War Damage Act 1964 (which lists enactments repealed as from 1st October 1968) shall be construed as a reference to section 15(2) of this Act. 1944 c. 47
1964 c. 25.

9. Nothing in this Schedule shall be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). 1889 c. 63

SCHEDULE 12

REPEALS

Chapter	Short title	Extent of Repeal
7 & 8 Geo. 6. c. 47.	The Town and Country Planning Act 1944.	The whole Act.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	In Schedule 2, paragraph 1(b).
9 & 10 Geo. 6. c. 18.	The Statutory Orders (Special Procedure) Act 1945.	In Schedule 2, the entries relating to the Town and Country Planning Act 1944.
9 & 10 Geo. 6. c. 68.	The New Towns Act 1946.	The whole Act.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act 1947.	Section 46. In Schedule 8, the entry relating to the New Towns Act 1946.
12 & 13 Geo. 6. c. 59.	The Licensing Act 1949.	Section 4(1).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	Section 18. The Schedule.
6 & 7 Eliz. 2. c. 12.	The New Towns Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 62.	The New Towns Act 1959.	The whole Act, except— section 4; section 9(1) and (3); section 10; section 12(1); in section 14(1), the words from the beginning to "the New Towns Act 1959"; section 14(2) and (3); paragraph 1(10) of Schedule 1.
9 & 10 Eliz. 2. c. 33.	The Land Compensation Act 1961.	In Schedule 4, paragraphs 1 to 5.
9 & 10 Eliz. 2. c. 64.	The Public Health Act 1961.	In section 84(1), the words from "Subsection (3)" to "to new towns)".
9 & 10 Eliz. 2. c. 65.	The Housing Act 1961.	In Schedule 2, paragraph 16.
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In Schedule 14, paragraph 47.
1964 c. 8.	The New Towns Act 1964.	The whole Act.
1964 c. 68.	The New Towns (No. 2) Act 1964.	The whole Act.



Gas (Borrowing Powers) Act 1965

1965 CHAPTER 60

An Act to increase the amount which may be borrowed by the Gas Council and Area Boards under the Gas Act 1948. [5th August 1965]

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

1.—(1) In section 42(3) of the Gas Act 1948 (which, as amended by section 1(4) of the Electricity and Gas Act 1963, limits the aggregate of the amount outstanding in respect of any loans raised by the Gas Council or any Area Board) for the words “£600 million or such greater sum, not exceeding £650 million, as the Minister may by order specify”, there shall be substituted the words “£900 million or such greater sum, not exceeding £1200 million, as the Minister may by order specify.”

Extension of borrowing powers of gas authorities. 1948 c. 67. 1963 c. 59.

(2) No order shall be made under the said section 42(3) as amended by this section unless a draft of the order has been laid before the Commons House of Parliament and has been approved by a resolution of that House; and so much of section 71(3) of the Gas Act 1948 as provides that orders under that Act shall be subject to annulment in pursuance of a resolution of either House of Parliament shall not apply.

(3) In accordance with subsection (1) of this section—

- (a) section 1(4) of the Electricity and Gas Act 1963 shall cease to have effect; and
- (b) in section 2(2) of that Act (which specifies the enactments which limit the amount of the Exchequer advances authorised to be made to the Gas Council and other

bodies under that section) at the end there shall be added the words “ or the Gas (Borrowing Powers) Act 1965 ”.

Short title.

2. This Act may be cited as the Gas (Borrowing Powers) Act 1965.



Judges' Remuneration Act 1965

1965 CHAPTER 61

An Act to increase the salaries attached to certain high judicial offices; to increase the rate of the Lord Chancellor's pension; to provide for the appointment of additional judges of the High Court in England; and for connected purposes. [5th August 1965]

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

1.—(1) There shall be paid to the holder of any judicial office listed in Schedule 1 to this Act a salary at the annual rate specified in relation to that office in the second column of that Schedule. Increased salaries of judges.

(2) Her Majesty may at any time by Order in Council direct that any of the salaries to which the foregoing subsection applies shall be increased to such amount as may be specified in the Order.

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

(4) Any Order under this section—

- (a) may contain such transitional, supplementary and incidental provisions as may appear to Her Majesty to be necessary or expedient for the purposes of the Order; and
- (b) may be revoked or varied by a subsequent Order under this section, but not so as to reduce the amount of any salary payable immediately before the making of the subsequent Order.

Lord
Chancellor's
salary and
pension.

2.—(1) There shall be paid to the Lord Chancellor a salary at such rate as together with the salary payable to him as Speaker of the House of Lords will amount to £14,500 a year.

1832 c. 111.

(2) The annual amount of any pension granted under the Lord Chancellor's Pension Act 1832 for service as Lord Chancellor shall in the case of a person who resigned that office after the commencement of this Act be £6,250 instead of £5,000 and any Letters Patent issued under that Act before the commencement of this Act shall have effect accordingly.

Additional
judges of
High Court
in England.

3. The maximum number of puisne judges of the High Court in England shall be increased from fifty-six to sixty-three.

Supplementary
provisions.

4.—(1) There shall be charged on and paid out of the Consolidated Fund of the United Kingdom—

(a) the salaries payable under sections 1 and 2(1) of this Act; and

(b) any increase attributable to this Act in the sums payable out of that Fund under any other enactment.

(2) The salary payable to any person under section 1 or section 2(1) of this Act shall in each case be abated by the amount of any pension payable to him in respect of any public office in the United Kingdom or elsewhere to which he had previously been appointed or elected.

(3) The amount of the annual salary of the holder of any judicial office listed in Schedule 1 to this Act shall, notwithstanding that the salary is abated by reason of the last foregoing subsection, be treated for the purpose of computing the pension payable to him in respect of that office and any derivative benefit within the meaning of the Administration of Justice (Pensions) Act 1950 which depends upon eligibility for such a pension as the amount prescribed by or under section 1 of this Act and not the amount as so abated.

1950 c. 11
(14 & 15
Geo. 6).

Short title,
consequential
amendments,
repeals and
commence-
ment.

5.—(1) This Act may be cited as the Judges' Remuneration Act 1965.

(2) The enactments described in Schedule 2 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the foregoing provisions of this Act.

(3) The enactments described in Schedule 3 to this Act (which includes enactments which have become obsolete or unnecessary) are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act, except so far as relating to the number of judges of the High Court in England, shall come into force on 1st April 1966; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day on which that provision comes into operation.

Section 1.

SCHEDULES

SCHEDULE 1

JUDICIAL SALARIES

<i>Judicial Office</i>	<i>Salary £</i>
Lord of Appeal in Ordinary	11,250
Lord Chief Justice	12,500
Master of the Rolls	11,250
President of the Probate, Divorce and Admiralty Division ...	11,250
Lord Justice of Appeal	10,000
Puisne Judge of the High Court of Justice	10,000
Lord President of the Court of Session	10,000
Lord Justice Clerk	9,750
Ordinary Judge of the Court of Session	8,250
Lord Chief Justice of Northern Ireland	9,375
Lord Justice of Appeal in Northern Ireland	8,125
Puisne Judge of the High Court of Justice in Northern Ireland	8,125

Section 5(2).

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

The Lord Chancellor's Pension Act 1832

(2 & 3 Will. 4. c. 111)

In section 3, so far as it relates to a pension for service as Lord Chancellor of a person resigning that office after the commencement of this Act, for the words "five thousand pounds" in both places where they occur (being words restored by Schedule 3 to the Judicial Pensions Act 1959) there shall be substituted the words "six thousand two hundred and fifty pounds".

1959 c. 9

(8 & 9 Eliz. 2).

The Supreme Court of Judicature (Consolidation Act) 1925

(15 & 16 Geo. 5. c. 49)

In section 2(1), for the words from "not less" to the end of the subsection there shall be substituted the words "not less than twenty-five nor more than sixty-three puisne judges of that Court".

The Supreme Court of Judicature (Amendment) Act 1944

(7 & 8 Geo. 6. c. 9)

In section 1(2), for the words "fifty-three" (being words substituted by Schedule 4 to the Criminal Justice Administration Act 1962) there shall be substituted the words "sixty-three".

1962 c. 15.

SCHEDULE 3

Section 5(3).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
17 & 18 Vict. c. 94.	The Public Revenue and Consolidated Fund Charges Act 1854.	In Schedule (A), the words "Salaries of the Lord President of the Court of Session, the Lord Justice Clerk, and the other judges of the Court of Session."
35 & 36 Vict. c. 51.	The Judges Salaries Act 1872.	In section 4, the words from "every" where it first occurs to "Scotland, and".
39 & 40 Vict. c. 59.	The Appellate Jurisdiction Act 1876.	In section 6, the words "There shall be paid to every Lord of Appeal in Ordinary a salary of six thousand pounds a year". In section 7, the words "salary and". In section 14, in the paragraph beginning with the words "Any Lord", the words "salary and".
40 & 41 Vict. c. 57.	The Supreme Court of Judicature Act (Ireland) 1877.	In section 18, the words from the beginning to "three thousand five hundred pounds a year". In section 20, the word "salaries" in the first place where it occurs, and the words "salaries and".
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	Section 45.
3 & 4 Geo. 5. c. 21.	The Appellate Jurisdiction Act 1913.	In section 1, the word "salary", and the proviso.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	Section 13. In section 15, the words "salaries and".
16 & 17 Geo. 5. c. 44.	The Supreme Court of Judicature of Northern Ireland Act 1926.	Section 1(1).
19 & 20 Geo. 5. c. 8.	The Appellate Jurisdiction Act 1929.	In section 2, the word "salary".
12, 13 & 14 Geo. 6. c. 10.	The Administration of Justice (Scotland) Act 1948.	In section 1(2), the words from "the sums" to "1854, and".

SCH. 3

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. and 1 Eliz. 2. c. 12.	The Judicial Offices (Salaries, etc.) Act 1952.	Section 4(1).
2 & 3 Eliz. 2. c. 27.	The Judges' Remuneration Act 1954.	Section 1(1).
8 & 9 Eliz. 2. c. 9.	The Judicial Pensions Act 1959.	Section 5, so far as it relates to a pension for service as Lord Chancellor of a person who resigns that office after the commencement of this Act.
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	Section 1. In Schedule 4, the amendments of the Supreme Court of Judicature (Consolidation) Act 1925 and of the Supreme Court of Judicature (Amendment) Act 1944.
1925 c. 49. 1944 c. 9.		
1964 c. 58.	The Resale Prices Act 1964.	Section 9(1).



Redundancy Payments Act 1965

1965 CHAPTER 62

An Act to provide for the making by employers of payments to employees in respect of redundancy; to establish a Redundancy Fund and to require employers to pay contributions towards that fund and to enable sums to be paid into that fund out of the Consolidated Fund; to provide for payments to be made out of the Redundancy Fund; to amend the Contracts of Employment Act 1963; to extend the jurisdiction of tribunals established under the Industrial Training Act 1964 and to make further provision as to procedure in relation to such tribunals; to enable certain statutory provisions relating to compensation to be modified in consequence of the provision for payments in respect of redundancy; and for purposes connected with the matters aforesaid.

[5th August 1965]

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

PART I

REDUNDANCY PAYMENTS

- 1.—(1) Where on or after the appointed day an employee who has been continuously employed for the requisite period—
- (a) is dismissed by his employer by reason of redundancy,
 - or
 - (b) is laid off or kept on short-time to the extent specified in subsection (1) of section 6 of this Act and complies with the requirements of that section,

then, subject to the following provisions of this Part of this Act, the employer shall be liable to pay to him a sum (in this

General provisions as to right to redundancy payment.

PART I Act referred to as a "redundancy payment") calculated in accordance with Schedule 1 to this Act.

(2) For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to—

- (a) the fact that his employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or
- (b) the fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish.

General
exclusions
from right to
redundancy
payment.

2.—(1) An employee shall not be entitled to a redundancy payment if immediately before the relevant date the employee—

- (a) if a man, has attained the age of sixty-five, or
- (b) if a woman, has attained the age of sixty.

(2) Except as provided by section 10 of this Act, an employee shall not be entitled to a redundancy payment by reason of dismissal where his employer, being entitled to terminate his contract of employment without notice by reason of the employee's conduct, terminates it either—

- (a) without notice, or
- (b) by giving shorter notice than that which, in the absence of such conduct, the employer would be required to give to terminate the contract, or
- (c) by giving notice (not being such shorter notice as is mentioned in paragraph (b) of this subsection) which includes, or is accompanied by, a statement in writing that the employer would, by reason of the employee's conduct, be entitled to terminate the contract without notice.

(3) An employee shall not be entitled to a redundancy payment by reason of dismissal if before the relevant date the employer has offered to renew his contract of employment, or to re-engage him under a new contract, so that—

- (a) the provisions of the contract as renewed, or of the new contract, as the case may be, as to the capacity and place in which he would be employed, and as to the other terms and conditions of his employment, would not differ from the corresponding provisions of the contract as in force immediately before his dismissal, and

(b) the renewal or re-engagement would take effect on or before the relevant date,
and the employee has unreasonably refused that offer.

(4) An employee shall not be entitled to a redundancy payment by reason of dismissal if before the relevant date the employer has made to him an offer in writing to renew his contract of employment, or to re-engage him under a new contract, so that in accordance with the particulars specified in the offer the provisions of the contract as renewed, or of the new contract, as the case may be, as to the capacity and place in which he would be employed, and as to the other terms and conditions of his employment, would differ (wholly or in part) from the corresponding provisions of the contract as in force immediately before his dismissal, but—

(a) the offer constitutes an offer of suitable employment in relation to the employee, and

(b) the renewal or re-engagement would take effect on or before the relevant date or not later than four weeks after that date,

and the employee has unreasonably refused that offer.

(5) Where the relevant date falls on a Friday, Saturday or Sunday—

(a) the reference in subsection (3)(b) of this section to the relevant date shall be construed as a reference to the next Monday after that date, and

(b) the reference in subsection (4)(b) of this section to four weeks after the relevant date shall be construed as a reference to the fifth Monday after that date.

3.—(1) For the purposes of this Part of this Act an employee shall, subject to the following provisions of this Part of this Act, be taken to be dismissed by his employer if, but only if,—

(a) the contract under which he is employed by the employer is terminated by the employer, whether it is so terminated by notice or without notice, or

(b) where under that contract he is employed for a fixed term, that term expires without being renewed under the same contract, or

(c) the employee terminates that contract without notice in circumstances (not falling within section 10(4) of this Act) such that he is entitled so to terminate it by reason of the employer's conduct.

(2) An employee shall not be taken for the purposes of this Part of this Act to be dismissed by his employer if his contract

PART I of employment is renewed, or he is re-engaged by the same employer under a new contract of employment, and—

(a) in a case where the provisions of the contract as renewed, or of the new contract, as the case may be, as to the capacity and place in which he is employed, and as to the other terms and conditions of his employment, do not differ from the corresponding provisions of the previous contract, the renewal or re-engagement takes effect immediately on the ending of his employment under the previous contract, or

(b) in any other case, the renewal or re-engagement is in pursuance of an offer in writing made by his employer before the ending of his employment under the previous contract, and takes effect either immediately on the ending of that employment or after an interval of not more than four weeks thereafter.

(3) For the purposes of the application of the last preceding subsection to a contract under which the employment ends on a Friday, Saturday or Sunday,—

(a) the renewal or re-engagement shall be treated as taking effect immediately on the ending of the employment under the previous contract if it takes effect on or before the next Monday after that Friday, Saturday or Sunday, and

(b) the interval of four weeks mentioned in paragraph (b) of that subsection shall be calculated as if the employment had ended on that Monday.

(4) Subject to the next following section, in this Part of this Act “the relevant date”, in relation to the dismissal of an employee,—

(a) where his contract of employment is terminated by notice given by his employer, is the date on which that notice expires ;

(b) where his contract of employment is terminated without notice, whether by the employer or by the employee, is the date on which the termination takes effect ; and

(c) where he is employed under a contract for a fixed term and that term expires as mentioned in subsection (1)(b) of this section, is the date on which that term expires.

4.—(1) The provisions of this section shall have effect where—

(a) an employer gives notice to an employee to terminate his contract of employment, and

(b) at a time within the obligatory period of that notice, the employee gives notice in writing to the employer to

Employee anticipating expiry of employer's notice.

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terminate the contract of employment on a date earlier than the date on which the employer's notice is due to expire.

(2) Subject to the following provisions of this section, in the circumstances specified in the preceding subsection the employee shall, for the purposes of this Part of this Act, be taken to be dismissed by his employer, and "the relevant date" in relation to that dismissal shall be the date on which the employee's notice expires.

(3) If, before the employee's notice is due to expire, the employer gives him notice in writing—

- (a) requiring him to withdraw his notice terminating the contract of employment as mentioned in subsection (1)(b) of this section and to continue in the employment until the date on which the employer's notice expires, and
- (b) stating that, unless he does so, the employer will contest any liability to pay to him a redundancy payment in respect of the termination of his contract of employment,

but the employee does not comply with the requirements of that notice, the employee shall not be entitled to a redundancy payment by virtue of subsection (2) of this section except as provided by the next following subsection.

(4) Where, in the circumstances specified in subsection (1) of this section, the employer has given notice to the employee under the last preceding subsection, and on a reference to a tribunal (in accordance with section 9 of this Act) it appears to the tribunal, having regard both to the reasons for which the employee seeks to leave the employment and those for which the employer requires him to continue in it, to be just and equitable that the employee should receive the whole or part of any redundancy payment to which he would have been entitled apart from the last preceding subsection, the tribunal may determine that the employer shall be liable to pay to the employee—

- (a) the whole of the redundancy payment to which the employee would have been so entitled, or
- (b) such part of that redundancy payment as the tribunal thinks fit.

(5) In this section—

- (a) if the actual period of the employer's notice (that is to say, the period beginning at the time when the notice is given and ending at the time when it expires) is equal to the minimum period which (whether by virtue

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of any enactment or otherwise) is required to be given by the employer to terminate the contract of employment, "the obligatory period", in relation to that notice, means the actual period of the notice ;

- (b) in any other case, "the obligatory period", in relation to an employer's notice, means that period which, being equal to the minimum period referred to in the preceding paragraph, expires at the time when the employer's notice expires.

Lay-off and short-time.

5.—(1) Where an employee is employed under a contract on such terms and conditions that his remuneration thereunder depends on his being provided by the employer with work of the kind which he is employed to do, he shall for the purposes of this Part of this Act be taken to be laid off for any week in respect of which, by reason that the employer does not provide such work for him, he is not entitled to any remuneration under the contract.

(2) Where by reason of a diminution in the work provided for an employee by his employer (being work of a kind which under his contract the employee is employed to do) the employee's remuneration for any week is less than half a week's pay (calculated in accordance with Schedule 2 to this Act), he shall for the purposes of this Part of this Act be taken to be kept on short-time for that week.

(3) In this section and in sections 6 and 7 of this Act "week", in relation to an employee whose remuneration is calculated weekly by a week ending on a day other than Saturday, means a week ending with that other day, and, in relation to any other employee, means a week ending with Saturday.

Right to redundancy payment by reason of lay-off or short-time.

6.—(1) An employee shall not be entitled to a redundancy payment by reason of being laid off or kept on short-time unless he gives notice in writing to his employer indicating (in whatsoever terms) his intention to claim a redundancy payment in respect of lay-off or short-time (in this section and in section 7 of this Act referred to as a "notice of intention to claim") and, before the service of that notice, either—

- (a) he has been laid off or kept on short-time for four or more consecutive weeks of which the last before the service of the notice ended on the date of service thereof or ended not more than four weeks before that date, or
- (b) he has been laid off or kept on short-time for a series of six or more weeks (of which not more than three were consecutive) within a period of thirteen weeks, where the last week of the series before the service

of the notice ended on the date of service thereof or ended not more than four weeks before that date.

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(2) In this Part of this Act “ the relevant date ”, in relation to a notice of intention to claim or a right to a redundancy payment in pursuance of such a notice,—

(a) in a case falling within paragraph (a) of the preceding subsection, means the date on which the last of the four or more consecutive weeks before the service of the notice came to an end, and

(b) in a case falling within paragraph (b) of that subsection, means the date on which the last of the series of six or more weeks before the service of the notice came to an end.

(3) Where an employee has given notice of intention to claim,—

(a) he shall not be entitled to a redundancy payment in pursuance of that notice unless he terminates his contract of employment by a week’s notice which (whether given before or after or at the same time as the notice of intention to claim) is given before the end of the period allowed for the purposes of this paragraph (as specified in subsection (5) of section 7 of this Act), and

(b) he shall not be entitled to a redundancy payment in pursuance of the notice of intention to claim if he is dismissed by his employer (but without prejudice to any right to a redundancy payment by reason of the dismissal):

Provided that, if the employee is required by his contract of employment to give more than a week’s notice to terminate the contract, the reference in paragraph (a) of this subsection to a week’s notice shall be construed as a reference to the minimum notice which he is so required to give.

(4) Subject to the next following subsection, an employee shall not be entitled to a redundancy payment in pursuance of a notice of intention to claim if, on the date of service of that notice, it was reasonably to be expected that the employee (if he continued to be employed by the same employer) would, not later than four weeks after that date, enter upon a period of employment of not less than thirteen weeks during which he would not be laid off or kept on short-time for any week.

(5) The last preceding subsection shall not apply unless, within seven days after the service of the notice of intention to claim, the employer gives to the employee notice in writing (in section 7 of this Act referred to as a “ counter-notice ”)

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Supplementary provisions as to redundancy payments in respect of lay-off or short-time.

7.—(1) If, in a case where an employee gives notice of intention to claim and the employer gives a counter-notice, the employee continues or has continued, during the next four weeks after the date of service of the notice of intention to claim, to be employed by the same employer, and he is or has been laid off or kept on short-time for each of those weeks, it shall be conclusively presumed that the condition specified in subsection (4) of section 6 of this Act was not fulfilled.

(2) For the purposes of subsection (1) of that section, and for the purposes of the preceding subsection, it is immaterial whether a series of weeks (whether it is four weeks, or four or more weeks, or six or more weeks) consists wholly of weeks for which the employee is laid off or wholly of weeks for which he is kept on short-time or partly of the one and partly of the other.

(3) For the purposes mentioned in the last preceding subsection, no account shall be taken of any week for which an employee is laid off or kept on short-time where the lay-off or short-time is wholly or mainly attributable to a strike or a lock-out, whether the strike or lock-out is in the trade or industry in which the employee is employed or not and whether it is in Great Britain or elsewhere.

(4) Where the employer gives a counter-notice within seven days after the service of a notice of intention to claim, and does not withdraw the counter-notice by a subsequent notice in writing, the employee shall not be entitled to a redundancy payment in pursuance of the notice of intention to claim except in accordance with a decision of a tribunal.

(5) The period allowed for the purposes of subsection (3) (a) of section 6 of this Act is as follows, that is to say,—

- (a) if the employer does not give a counter-notice within seven days after the service of the notice of intention to claim, that period is three weeks after the end of those seven days ;
- (b) if the employer gives a counter-notice within those seven days, but withdraws it by a subsequent notice in writing, that period is three weeks after the service of the notice of withdrawal ;
- (c) if the employer gives a counter-notice within those seven days and does not so withdraw it, and a question as to the right of the employee to a redundancy payment in pursuance of the notice of intention to claim is referred to a tribunal, that period is three weeks after the tribunal has notified to the employee its decision on that reference.

(6) For the purposes of paragraph (c) of the last preceding subsection no account shall be taken of any appeal against the decision of the tribunal, or of any requirement to the tribunal to state a case for the opinion of the High Court or the Court of Session, or of any proceedings or decision in consequence of such an appeal or requirement.

8.—(1) For the purposes of section 1(1) of this Act the requisite period is the period of one hundred and four weeks ending with the relevant date, excluding any week which began before the employee attained the age of eighteen. Continuous employment for requisite period.

(2) Subject to the preceding subsection, and to the following provisions of this section, the provisions of Schedule 1 to the Contracts of Employment Act 1963 (computation of period of employment), and the provisions of any order for the time being in force under section 7 of that Act in so far as it modifies that Schedule, shall have effect for the purposes of this Part of this Act in determining whether an employee has been continuously employed for the requisite period. 1963 c. 49.

(3) Where by virtue of section 3(2) of this Act an employee is treated as not having been dismissed by reason of a renewal or re-engagement taking effect after an interval, then, in determining for the purposes of section 1(1) of this Act whether he has been continuously employed for the requisite period, the period of that interval shall count as a period of employment, notwithstanding that it does not count under that Schedule.

(4) The preceding provisions of this section shall have effect subject to sections 17 and 24 of this Act in cases to which those sections apply respectively.

9.—(1) Any question arising under this Part of this Act as to the right of an employee to a redundancy payment, or as to the amount of a redundancy payment, shall, in accordance with regulations made under Part III of this Act, be referred to and determined by a tribunal. Reference of questions to tribunal.

(2) For the purposes of any such reference—

- (a) a person's employment during any period shall, unless the contrary is proved, be presumed to have been continuous;
- (b) an employee who has been dismissed by his employer shall, unless the contrary is proved, be presumed to have been so dismissed by reason of redundancy.

(3) In relation to lay-off or short-time, the questions which may be referred to and determined by a tribunal, as mentioned in subsection (1) of this section, shall include any question whether an employee will become entitled to a redundancy payment if he is not dismissed by his employer and he terminates

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his contract of employment as mentioned in subsection (3) (a) of section 6 of this Act; and any such question shall for the purposes of this Part of this Act be taken to be a question as to the right of the employee to a redundancy payment.

Special provisions as to termination of contract in cases of misconduct or industrial dispute.

10.—(1) Where at any such time as is mentioned in the next following subsection, an employee who—

(a) has been given notice by his employer to terminate his contract of employment, or

(b) has given notice to his employer under subsection (1) of section 6 of this Act,

takes part in a strike, in such circumstances that the employer is entitled, by reason of his taking part in the strike, to treat the contract of employment as terminable without notice, and the employer for that reason terminates the contract as mentioned in subsection (2) of section 2 of this Act, that subsection shall not apply to that termination of the contract.

(2) The times referred to in the preceding subsection are—

(a) in a case falling within paragraph (a) of that subsection, any time within the obligatory period of the employer's notice (as defined by section 4(5) of this Act), and

(b) in a case falling within paragraph (b) of the preceding subsection, any time after the service of the notice mentioned in that paragraph.

(3) Where at any such time as is mentioned in the last preceding subsection an employee's contract of employment, otherwise than by reason of his taking part in a strike, is terminated by his employer in the circumstances specified in subsection (2) of section 2 of this Act, and is so terminated as mentioned in the said subsection (2), and on a reference to a tribunal it appears to the tribunal, in the circumstances of the case, to be just and equitable that the employee should receive the whole or part of any redundancy payment to which he would have been entitled apart from the last-mentioned subsection, the tribunal may determine that the employer shall be liable to pay to the employee—

(a) the whole of the redundancy payment to which the employee would have been so entitled, or

(b) such part of that redundancy payment as the tribunal thinks fit.

(4) Where an employee terminates his contract of employment without notice, being entitled to do so by reason of a lock-out by his employer, section 3(1)(c) of this Act shall not apply to that termination of the contract.

Exemption orders.

11.—(1) If at any time there is in force an agreement between one or more employers or organisations of employers and one

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or more trade unions representing employees, whereby employees to whom the agreement applies have a right in certain circumstances to payments on the termination of their contracts of employment, and, on the application of all the parties to the agreement, the Minister, having regard to the provisions of the agreement, is satisfied that section 1 of this Act should not apply to those employees, he may make an order under this section in respect of that agreement.

(2) The Minister shall not make an order under this section in respect of an agreement unless the agreement indicates (in whatsoever terms) the willingness of the parties to it to submit to a tribunal such questions as are mentioned in paragraph (b) of the next following subsection.

(3) Where an order under this section is in force in respect of an agreement—

(a) section 1 of this Act shall not have effect in relation to any employee who immediately before the relevant date is an employee to whom the agreement applies, and

(b) section 9 of this Act shall have effect in relation to any question arising under the agreement as to the right of an employee to a payment on the termination of his employment, or as to the amount of such a payment, as if the payment were a redundancy payment and the question arose under this Part of this Act.

(4) Any order under this section shall be made by statutory instrument, and may be revoked by a subsequent order thereunder, whether in pursuance of an application made by all or any of the parties to the agreement in question or without any such application.

12.—(1) Any such claim as is mentioned in subsection (1) of section 8 of the Terms and Conditions of Employment Act 1959 (settlement of claims as to recognised terms or conditions of employment) may be reported to the Minister in accordance with that subsection, and may be referred by him to the Industrial Court, and the Industrial Court may make an award under that section on such a reference, notwithstanding that the terms or conditions, which it is claimed that the employer is not observing, consist of or include terms or conditions as to payments to be made to employees in the circumstances specified in paragraph (a) or paragraph (b) of section 1(1) of this Act, or in similar circumstances, and that provision for redundancy payments is made by this Act.

Claims as to recognised terms or conditions. 1959 c. 26.

(2) Where a claim, which is reported to the Minister under subsection (1) of the said section 8, relates to an agreement in respect of which an order under section 11 of this Act is for

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the time being in force, and the Industrial Court makes an award in accordance with subsection (3) of the said section 8 in pursuance of that claim, section 11(3) of this Act shall have effect in relation to all persons in respect of whom the employer is required by that award to observe the recognised terms or conditions, whether they are persons to whom section 11(3) of this Act would apply apart from this subsection or not.

Change of ownership of business.

13.—(1) The provisions of this section shall have effect where—

- (a) a change occurs (whether by virtue of a sale or other disposition or by operation of law) in the ownership of a business for the purposes of which a person is employed, or of a part of such a business, and
- (b) in connection with that change the person by whom the employee is employed immediately before the change occurs (in this section referred to as “the previous owner”) terminates the employee’s contract of employment, whether by notice or without notice.

(2) If, by agreement with the employee, the person who immediately after the change occurs is the owner of the business or of the part of the business in question, as the case may be (in this section referred to as “the new owner”) renews the employee’s contract of employment (with the substitution of the new owner for the previous owner) or re-engages him under a new contract of employment, section 3(2) of this Act shall have effect as if the renewal or re-engagement had been a renewal or re-engagement by the previous owner (without any substitution of the new owner for the previous owner).

(3) If the new owner offers to renew the employee’s contract of employment (with the substitution of the new owner for the previous owner) or to re-engage him under a new contract of employment, but the employee refuses the offer, subsection (3) or (as the case may be) subsection (4) of section 2 of this Act shall have effect, subject to the next following subsection, in relation to that offer and refusal as it would have had effect in relation to the like offer made by the previous owner and a refusal of that offer by the employee.

(4) For the purposes of the operation, in accordance with the last preceding subsection, of subsection (3) or subsection (4) of section 2 of this Act in relation to an offer made by the new owner,—

- (a) the offer shall not be treated as one whereby the provisions of the contract as renewed, or of the new contract, as the case may be, would differ from the corresponding provisions of the contract as in force immediately before the dismissal by reason only that

the new owner would be substituted for the previous owner as the employer, and

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(b) no account shall be taken of that substitution in determining whether the refusal of the offer was unreasonable.

(5) The preceding provisions of this section shall have effect (subject to the necessary modifications) in relation to a case where—

- (a) the person by whom a business, or part of a business, is owned immediately before a change is one of the persons by whom (whether as partners, trustees or otherwise) it is owned immediately after the change, or
- (b) the persons by whom a business, or part of a business, is owned immediately before a change (whether as partners, trustees or otherwise) include the person by whom, or include one or more of the persons by whom, it is owned immediately after the change,

as those provisions have effect where the previous owner and the new owner are wholly different persons.

(6) Nothing in this section shall be construed as requiring any variation of a contract of employment by agreement between the parties to be treated as constituting a termination of the contract.

14.—(1) The Minister shall by regulations make provision for excluding the right to a redundancy payment, or reducing the amount of any redundancy payment, in such cases as may be prescribed by the regulations, being cases in which an employee has (whether by virtue of any statutory provision or otherwise) a right or claim (whether legally enforceable or not) to a periodical payment or lump sum by way of pension, gratuity or superannuation allowance which is to be paid by reference to his employment by a particular employer and is to be paid, or to begin to be paid, at the time when he leaves that employment or within such period thereafter as may be prescribed by the regulations.

Exclusion or reduction of redundancy payment on account of pension rights.

(2) Provision shall be made by any such regulations for securing that the right to a redundancy payment shall not be excluded, and that the amount of a redundancy payment shall not be reduced, by reason of any right or claim to a periodical payment or lump sum, in so far as that payment or lump sum represents such compensation as is mentioned in section 47(1) of this Act and is payable under a statutory provision, whether made or passed before, on or after the appointed day.

(3) In relation to any case where, under any provision contained in this Part of this Act, a tribunal determines that an em-

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ployer is liable to pay part (but not the whole) of a redundancy payment, any reference in this section to a redundancy payment, or to the amount of a redundancy payment, shall be construed as a reference to that part of the redundancy payment, or to the amount of that part, as the case may be.

Contracts of employment for a fixed term.

15.—(1) Section 1 of this Act shall not apply to an employee who immediately before the relevant date is employed under a contract of employment for a fixed term of two years or more, if that contract was made before the appointed day (whether before or after the passing of this Act) and is not a contract of apprenticeship.

(2) Without prejudice to the preceding subsection, an employee under a contract of employment for a fixed term of two years or more (including a contract of apprenticeship for such a term) shall not be entitled to a redundancy payment in respect of the expiry of that term without its being renewed, if before the term so expires he has agreed in writing to exclude any right to a redundancy payment in that event.

(3) Such an agreement as is mentioned in the last preceding subsection may, in the case of a contract made after the passing of this Act, be contained either in the contract itself or in a separate agreement.

(4) Where an agreement under subsection (2) of this section is made during the currency of a fixed term, and that term is renewed, the agreement under that subsection shall not be construed as applying to the term as renewed, but without prejudice to the making of a further agreement under that subsection in relation to the term as renewed.

(5) The provisions of this section shall have effect subject to section 20 of this Act in cases to which that section applies.

Excluded classes of employees.
1946 c. 22.

16.—(1) Section 1 of this Act shall not apply to any person in respect of his employment as a registered dock worker, as defined by any scheme for the time being in force under the Dock Workers (Regulation of Employment) Act 1946, unless it is employment by virtue of which he is wholly or mainly engaged in work which is not dock work as defined by the scheme.

(2) Section 1 of this Act shall not apply to any person in respect of his employment as master or a member of the crew of a fishing vessel, if he is not remunerated in respect of that employment otherwise than by a share in the profits or gross earnings of the vessel.

(3) Section 1 of this Act shall not apply where the employer is the husband or wife of the employee.

(4) Without prejudice to any exemption or immunity of the Crown, section 1 of this Act shall not apply to any person in respect of any employment which—

- (a) is employment in a public office for the purposes of section 7 of the Superannuation (Amendment) Act 1965, or
- (b) whether by virtue of that Act or otherwise, is treated for the purposes of pensions and other superannuation benefits as service in the civil service of the State, or
- (c) is employment by any such body as is specified in Schedule 3 to this Act.

(5) Without prejudice to any exemption or immunity of the Crown, section 1 of this Act shall not apply to any person in respect of his employment in any capacity under the Government of an overseas territory.

(6) The Minister shall have power by order—

(a) to provide that any enactment contained in this Part of this Act which is specified in the order shall not apply to persons or to employments of such classes as may be prescribed by the order, or shall apply to persons or employments of such classes as may be prescribed by the order subject to such exceptions and modifications as may be so prescribed ;

(b) to vary or revoke any of the provisions of subsections (1) to (5) of this section, or to add to, delete or vary any of the provisions of Schedule 3 to this Act.

(7) Any order under the last preceding subsection may contain such transitional and other supplemental and incidental provisions as appear to the Minister to be expedient, and may be varied or revoked by a further order under that subsection.

(8) Any power to make an order under this section shall be exercisable by statutory instrument ; but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

17.—(1) An employee shall not be entitled to a redundancy payment if on the relevant date he is outside Great Britain, unless under his contract of employment he ordinarily worked in Great Britain.

Employment wholly or partly abroad.

(2) An employee who under his contract of employment ordinarily works outside Great Britain shall not be entitled to a redundancy payment unless on the relevant date he is in Great Britain in accordance with instructions given to him by his employer.

(3) Subject to the following provisions of this section, in computing, in relation to an employee, the period specified

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in section 8(1) of this Act, or the period specified in paragraph 1 of Schedule 1 to this Act, a week of employment shall not count if—

(a) the employee was employed outside Great Britain during the whole or part of that week, and

(b) no employer's contribution in respect of him was paid in respect of the corresponding contribution week,

unless an employer's contribution in respect of him was payable (though not in fact paid) in respect of the corresponding contribution week.

(4) For the purposes of the application of the last preceding subsection to a week of employment where the corresponding contribution week began before 5th July 1948, an employer's contribution shall be treated as payable as mentioned in that subsection if such a contribution would have been so payable if the statutory provisions relating to national insurance which were in force on 5th July 1948 had been in force in that contribution week.

(5) Where by virtue of subsection (3) of this section a week of employment does not count in computing such a period as is mentioned in that subsection, the continuity of that period shall not be broken by reason only that that week of employment does not count in computing that period.

1946 c.67.

(6) Any question arising under this section whether an employer's contribution was paid, or was or would have been payable, as mentioned in subsection (3) or subsection (4) of this section, shall be determined by the Minister of Pensions and National Insurance; and the provisions of the National Insurance Act 1946 and any regulations made thereunder as to the determination of questions which under that Act or any such regulations that Minister is empowered to determine (including any such provisions as to the reference of questions for decision, or appeals, to the High Court or the Court of Session) shall apply to the determination of any question by that Minister under this section.

(7) The provisions of this section shall have effect subject to section 20 of this Act in cases to which that section applies.

(8) In this section "employer's contribution" has the same meaning as in the National Insurance Act 1946, "week of employment" means a week ending with Saturday, and "corresponding contribution week", in relation to a week of employment, means a contribution week (within the meaning of the National Insurance Act 1946) of which so much as falls within the period beginning with midnight between Sunday and Monday and ending with Saturday also falls within that week of employment.

18.—(1) On making any redundancy payment, otherwise than in pursuance of a decision of a tribunal which specifies the amount of the payment to be made, the employer shall give to the employee a written statement indicating how the amount of the payment has been calculated.

PART I
Written particulars of redundancy payment.

(2) Any employer who without reasonable excuse fails to comply with the preceding subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

(3) If an employer fails to comply with the requirements of subsection (1) of this section, then (without prejudice to any proceedings for an offence under the last preceding subsection) the employee may by notice in writing to the employer require him to give to the employee a written statement complying with those requirements within such period (not being less than one week beginning with the day on which the notice is given) as may be specified in the notice; and if the employer without reasonable excuse fails to comply with the notice he shall be guilty of an offence under this subsection and liable on summary conviction—

- (a) if it is his first conviction of an offence under this subsection, to a fine not exceeding £20, or
- (b) in any other case, to a fine not exceeding £100.

19.—(1) For the purposes of the application of the provisions of this Part of this Act to an employee who is employed as a domestic servant in a private household, those provisions (except section 13 of this Act) shall apply as if the household were a business and the maintenance of the household were the carrying on of that business by the employer.

Domestic servants.

(2) Without prejudice to section 16(3) of this Act, section 1 of this Act shall not apply to any person in respect of employment as a domestic servant in a private household, where the employer is the father, mother, grandfather, grandmother, step-father, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the employee.

20.—(1) Section 17 of this Act shall not apply if the employee is a mariner to whom this section applies.

Mariners other than share fishermen.

(2) Section 15 of this Act shall not apply to a contract of employment, whether made before or after the passing of this Act, if the employee is a mariner to whom this section applies.

(3) Any reference in this section to a mariner to whom this section applies is a reference to a person who is employed as a master, seaman or apprentice in a British ship and is ordinarily resident in Great Britain.

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Claims for
redundancy
payments.

21. Notwithstanding anything in the preceding provisions of this Part of this Act, an employee shall not be entitled to a redundancy payment unless, before the end of the period of six months beginning with the relevant date,—

- (a) the payment has been agreed and paid, or
- (b) the employee has made a claim for the payment by notice in writing given to the employer, or
- (c) a question as to the right of the employee to the payment, or as to the amount of the payment, has been referred to a tribunal in accordance with regulations made under Part III of this Act.

Implied or
constructive
termination
of contract.

22.—(1) Where in accordance with any enactment or rule of law—

- (a) any act on the part of an employer, or
- (b) any event affecting an employer (including, in the case of an individual, his death),

operates so as to terminate a contract under which an employee is employed by him, that act or event shall for the purposes of this Act be treated as a termination of the contract by the employer, if apart from this subsection it would not constitute a termination of the contract by him.

(2) Where the preceding subsection applies, and the employee's contract of employment is not renewed, and he is not re-engaged under a new contract, as mentioned in section 3(2) of this Act, he shall for the purposes of this Act be taken to be dismissed by reason of redundancy if the circumstances in which the contract is not renewed and he is not re-engaged as mentioned in the said section 3(2), are wholly or mainly attributable to one or other of the facts specified in paragraphs (a) and (b) of section 1(2) of this Act.

(3) For the purposes of the last preceding subsection, section 1(2)(a) of this Act, in so far as it relates to the employer ceasing or intending to cease to carry on the business, shall be construed as if the reference to the employer included a reference to any person to whom, in consequence of the act or event in question, power to dispose of the business has passed.

(4) In this section any reference to section 3(2) of this Act includes a reference to the said section 3(2) as applied by section 13(2) of this Act.

Death of
employer or
of employee.

23. The provisions of Part I of Schedule 4 to this Act shall have effect in relation to the death of an employer; and the provisions of Part II of that Schedule shall have effect in relation to the death of an employee.

24.—(1) The provisions of this section shall have effect where—

PART I
Modification of right to redundancy payment where previous redundancy payment has been paid.

- (a) a redundancy payment is paid to an employee, whether in respect of dismissal or in respect of lay-off or short-time ;
- (b) the contract of employment under which he was employed (in this section referred to as "the previous contract") is renewed, whether by the same or another employer, or he is re-engaged under a new contract of employment, whether by the same or another employer ; and
- (c) the circumstances of the renewal or re-engagement are such that, in determining for the purposes of section 1(1) of, or Schedule 1 to, this Act whether at any subsequent time he has been continuously employed for the requisite period, or for what period he has been continuously employed, the continuity of his period of employment would, apart from this section, be treated as not having been broken by the termination of the previous contract and the renewal or re-engagement.

(2) Where the conditions mentioned in the preceding subsection are fulfilled, then in determining, for the purposes of section 1(1) of, or Schedule 1 to, this Act, whether at any subsequent time he has been continuously employed for the requisite period, or for what period he has been continuously employed, the continuity of the period of employment shall be treated as having been broken at the date which was the relevant date in relation to the redundancy payment mentioned in paragraph (a) of the preceding subsection, and accordingly no account shall be taken of any time before that date.

(3) For the purposes of this section a redundancy payment shall be treated as having been paid if—

- (a) the whole of the payment has been paid to the employee by the employer, or, in a case where a tribunal has determined that the employer is liable to pay part (but not the whole) of the redundancy payment, that part of the redundancy payment has been paid in full to the employee by the employer, or
- (b) the Minister has paid a sum to the employee in respect of the redundancy payment under section 32 of this Act.

25.—(1) In this Part of this Act "business" includes a trade or profession and includes any activity carried on by a body of persons, whether corporate or unincorporate, and "employee" Interpretation of Part I, and supplementary provisions.

PART I means an individual who has entered into or works under (or, in the case of a contract which has been terminated, worked under) a contract with an employer, whether the contract is for manual labour, clerical work or otherwise, is express or implied, oral or in writing, and whether it is a contract of service or of apprenticeship, and "employer" and any reference to employment shall be construed accordingly.

(2) In this Part of this Act any reference to "the relevant date" shall be construed in accordance with section 3(4), section 4(2) or section 6(2) of this Act, as the case may require.

(3) In this Part of this Act "cease" means cease either permanently or temporarily and from whatsoever cause, and "diminish" has a corresponding meaning.

(4) Subject to the next following subsection, any provision in any agreement (whether a contract of employment or not) shall be void in so far as it purports to exclude or limit the operation of any enactment contained in this Part of this Act.

(5) The last preceding subsection shall not apply to—

- (a) any provision in an agreement such as is mentioned in section 11(1) of this Act, if the provision is not to have effect unless an order is made under that section in respect of the agreement, or
- (b) any provision contained in an agreement in accordance with section 15 of this Act.

PART II

REDUNDANCY FUND

Establishment
and
maintenance
of fund.

26.—(1) For the purposes of this Act there shall be established, under the control and management of the Minister, a fund to be called "the Redundancy Fund" (in this Part of this Act referred to as "the fund"), into which there shall be paid all sums received by the Minister under this Part of this Act, and out of which payments shall be made in accordance with the following provisions of this Act.

(2) The Minister shall prepare accounts of the fund in such form as the Treasury may direct, and shall send them to the Comptroller and Auditor General not later than the end of the month of November following the end of the financial year to which the accounts relate; and the Comptroller and Auditor General shall examine and certify the accounts and shall lay copies thereof, together with his report thereon, before Parliament.

(3) Any moneys forming part of the fund may from time to time be paid over to the National Debt Commissioners and by them invested, in accordance with such directions as may be

given by the Treasury, in any securities which are for the time being authorised by Parliament as investments for savings banks funds.

PART II

27.—(1) Every person who, in respect of any contribution week beginning on or after the appointed day, is liable to pay an employer's contribution under section 2(2) of the Act of 1946 in respect of any person over the age of eighteen shall, in respect of that week, be liable also to pay in respect of that person a contribution to be called a " redundancy fund contribution ".

(2) Subject to the following provisions of this section, the amount of the redundancy fund contribution which in respect of any person is payable in respect of any contribution week shall be fivepence if that person is a man and twopence if that person is a woman.

(3) The Minister with the consent of the Treasury may by order provide that, subject to such transitional provisions (if any) as may be contained in the order, the last preceding subsection shall have effect as if, for the sums specified in that subsection, there were substituted such other sums as may be specified in the order.

(4) Any order under this section may be varied or revoked by a subsequent order thereunder.

(5) Any power to make orders under this section shall be exercisable by statutory instrument; but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

(6) Redundancy fund contributions shall be paid to the Minister of Pensions and National Insurance, but, subject to the following provisions of this Part of this Act, shall be taken to be so paid as contributions to the fund.

28.—(1) Subject to the provisions of this section, all the provisions of the National Insurance Acts shall have effect (for the purposes of those Acts as well as for the purposes of this Act) in relation to a person who is liable as an employer to pay a redundancy fund contribution in respect of a person for a contribution week,—

Collection of
redundancy
fund
contributions.

- (a) as if that contribution and the contribution payable by him for that week in respect of that person under section 2(2) of the Act of 1946 together constituted one combined contribution payable by him under that Act in respect of that person for that week, and

PART II

(b) as if the whole of the combined contribution in question were payable into the National Insurance Fund ;
and in the National Insurance Acts “ contribution ” shall be construed accordingly.

(2) Except in so far as may be otherwise provided by any Order in Council or regulations made under the National Insurance Acts after the passing of this Act, the preceding subsection shall apply in relation to Orders in Council and regulations made, whether before or after the passing of this Act, under any provisions of those Acts to which that subsection applies, as it applies in relation to those provisions.

(3) There shall be excluded from the provisions of the National Insurance Acts which are to have effect as mentioned in subsection (1) of this section the following provisions, namely,—

(a) section 2(3) of the Act of 1946 (which relates to Exchequer supplements to contributions) ;

(b) section 35 of the Act of 1946 (which provides that contributions shall be paid into the National Insurance Fund) ; and

1959 c. 47.

(c) section 7(3) of the National Insurance Act 1959 (which relates to payments in lieu of contributions).

(4) Nothing in subsection (1) or subsection (2) of this section shall be construed—

(a) as affecting the rate of any contributions under section 2(2) of the Act of 1946, or

(b) as excepting any person who pays, or is liable to pay, employer’s contributions under the National Insurance Acts, or as conferring any power to except any such person, from liability to pay redundancy fund contributions, or

(c) as conferring any power to modify the rates of redundancy fund contributions in relation to any class of persons.

(5) References in any enactment, other than the National Insurance Acts, to contributions under those Acts, or to sums due to or payable into the National Insurance Fund, shall be construed as including references to redundancy fund contributions.

(6) Notwithstanding anything in the preceding provisions of this section, where a person has paid in error—

(a) contributions under the National Insurance Acts, and

(b) redundancy fund contributions,

and he or any other person has received any benefit under those Acts which, under any provision of those Acts or of regulations

made thereunder, may be deducted from any repayment of the contributions paid in error under those Acts, nothing in those Acts or those regulations shall be construed as authorising that benefit to be deducted from any repayment of the redundancy fund contributions paid in error.

PART II

(7) In section 3(2) of the National Insurance Act 1959 (which relates to the collection of contributions) at the end of paragraph (a) there shall be inserted the words "or the Redundancy Payments Act 1965". 1959 c. 47.

29.—(1) The Minister of Pensions and National Insurance shall, out of the moneys received by him on account of redundancy fund contributions, retain such sums as the Treasury may from time to time determine in respect of any expenses incurred by him or any other government department (except the Postmaster General) which are attributable to the collection and application of those contributions; and all sums so retained by him shall be paid into the Exchequer. Application of redundancy fund contributions.

(2) In estimating the expenses referred to in subsection (1) of this section, there shall be included—

(a) any amounts in respect of the use of premises belonging to the Crown or in respect of the accruing liability for pension benefits which, under section 38(2) of the Act of 1946 or under section 11 of the Family Allowances and National Insurance Act 1961, fall to be included in estimating, for the purposes of the said section 38(2), the expenses of government departments in carrying the National Insurance Acts into effect, and 1961 c. 6.
(10 & 11
Eliz. 2.)

(b) the amount of any sums paid by the Minister of Pensions and National Insurance to the Postmaster General under section 19(2)(b) of the Post Office Act 1961 which, under section 13 of the Family Allowances and National Insurance Act 1961, are to be treated as expenses of that Minister in carrying the National Insurance Acts into effect, 1961 c. 15.

in so far as those amounts are determined by the Treasury to be attributable to the collection and application of redundancy fund contributions.

(3) For the purposes of this section, of section 19(2)(b) of the Post Office Act 1961 and of section 13 of the Family Allowances and National Insurance Act 1961, work done by the Postmaster General in the execution of section 28 of this Act shall be treated as done in the execution of the National Insurance Acts.

PART II

(4) Any expenses, or amounts included in estimating expenses, in so far as, for the purposes of subsection (1) of this section, they are treated as attributable to the collection and application of redundancy fund contributions, shall be left out of account under section 38 of the Act of 1946 or, as the case may be, section 11 of the Family Allowances and National Insurance Act 1961.

1961 c. 6.
(10 & 11
Eliz. 2.)

(5) The Minister of Pensions and National Insurance shall account to the Minister for such sums as the Minister of Pensions and National Insurance may from time to time estimate, in such manner as the Treasury may direct, to represent the redundancy fund contributions received by him under section 27(6) of this Act, subject to the deduction of the sums retained by the Minister of Pensions and National Insurance under subsection (1) of this section; and the Minister of Pensions and National Insurance shall pay to the Minister, at such times as the Treasury may direct, the sums for which the Minister of Pensions and National Insurance is required to account to the Minister in accordance with this subsection.

(6) In this section references to the application of redundancy fund contributions do not include the payment of any sums out of the fund.

Rebates to
employers in
respect of
redundancy
payments and
equivalent
payments.

30.—(1) Subject to the provisions of this section, the Minister shall make a payment (in this Part of this Act referred to as a "rebate") out of the fund to any employer who—

- (a) is liable under Part I of this Act to pay, and has paid, a redundancy payment to an employee, or
- (b) under an agreement in respect of which an order is in force under section 11 of this Act, is liable to make, and has made, a payment to an employee on the termination of his contract of employment, or
- (c) by virtue of any award made by the Industrial Court as mentioned in section 12(2) of this Act, in relation to an agreement in respect of which such an order is in force, is liable to make, and has made, a payment to an employee on the termination of his contract of employment.

(2) No rebate shall be payable by virtue of this section in a case falling within paragraph (b) or paragraph (c) of the preceding subsection if the employee's right to the payment referred to in that paragraph arises by virtue of a period of employment (computed in accordance with the provisions of the agreement in question) which is less than one hundred and four weeks.

(3) The amount of any rebate shall (subject to subsection (6) of this section) be calculated in accordance with Schedule 5 to this Act.

(4) The Minister shall make provision by regulations as to the making of claims for rebates ; and any such regulations may in particular—

- (a) require any claim for a rebate to be made at or before a time prescribed by the regulations ;
- (b) in such cases as may be so prescribed, require prior notice that such a claim may arise to be given at or before a time so prescribed, so however that, where the claim would relate to an employer's payment in respect of dismissal, the regulations shall not require the notice to be given more than four weeks before the date on which the termination of the contract of employment takes effect ; and
- (c) for the purpose of determining the right of any person to, and the amount of, any rebate, require a person, at any time when he makes a claim or gives prior notice as mentioned in paragraph (a) or paragraph (b) of this subsection, to provide such evidence and such other information, and to produce for examination on behalf of the Minister documents in his custody or under his control of such descriptions, as may be determined in accordance with the regulations.

(5) In relation to any case where, under any provision contained in Part I of this Act, a tribunal determines that an employer is liable to pay part (but not the whole) of a redundancy payment, the reference in subsection (1)(a) of this section to a redundancy payment shall be construed as a reference to that part of the redundancy payment.

(6) If any employer who, in accordance with subsection (1) of this section, would be entitled to a rebate fails to give prior notice as required by any such regulations in accordance with paragraph (b) of subsection (4) of this section and it appears to the Minister that he has so failed without reasonable excuse, the Minister (subject to section 34 of this Act) may reduce the amount of the rebate by such proportion (not exceeding one-tenth) as appears to the Minister to be appropriate in the circumstances.

(7) Any person who—

- (a) in providing any information required by regulations under this section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, or
- (b) produces for examination in accordance with any such regulations a document which to his knowledge has been wilfully falsified,

shall be guilty of an offence.

PART II

(8) A person guilty of an offence under the last preceding subsection shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

Payments out of fund to employers in other cases.

31.—(1) The Minister may make payments out of the fund to employers who are liable to pay redundancy fund contributions in respect of employees to whom this section applies.

(2) This section applies to employees to whom, by virtue of any provisions of section 16 of this Act, other than subsections (3) and (4) of that section, section 1 of this Act does not apply.

(3) The Minister may determine the classes of employees to whom this section applies in respect of whom payments are to be made by virtue of this section, and, with the approval of the Treasury, may determine the amounts of the payments which may be so made in respect of any class of such employees.

(4) The payments made to an employer by virtue of this section shall not, in respect of any period, exceed the amount appearing to the Minister to be the aggregate amount paid by that employer in respect of that period by way of redundancy fund contributions in respect of employees to whom this section applies.

Payments out of fund to employees.

32.—(1) Where an employee claims that his employer is liable to pay to him an employer's payment, and either—

(a) that the employee has taken all reasonable steps (other than legal proceedings) to recover the payment from the employer and that the employer has refused or failed to pay it, or has paid part of it and has refused or failed to pay the balance, or

(b) that the employer is insolvent and that the whole or part of the payment remains unpaid,

the employee may apply to the Minister for a payment under this section.

(2) If on an application under this section the Minister is satisfied—

(a) that the employee is entitled to the employer's payment ;

(b) that either the condition specified in paragraph (a) or the condition specified in paragraph (b) of the preceding subsection is fulfilled ; and

(c) that, in a case where the employer's payment is such a payment as is mentioned in paragraph (b) or paragraph (c) of section 30(1) of this Act, the employee's right to the payment arises by virtue of a period of

employment (computed in accordance with the provisions of the agreement in question) which is not less than one hundred and four weeks,

the Minister shall pay to the employee out of the fund a sum calculated in accordance with Schedule 6 to this Act, reduced by so much (if any) of the employer's payment as has been paid.

(3) Where the Minister pays a sum to an employee in respect of an employer's payment—

(a) all rights and remedies of the employee with respect to the employer's payment, or (if the Minister has paid only part of it) all his rights and remedies with respect to that part of the employer's payment, shall be transferred to and vest in the Minister ; and

(b) any decision of a tribunal requiring the employer's payment to be paid to the employee shall have effect as if it required that payment, or, as the case may be, that part of it which the Minister has paid, to be paid to the Minister ;

and any moneys recovered by the Minister by virtue of this subsection shall be paid into the fund.

(4) Where the Minister pays a sum under this section in respect of an employer's payment, then (subject to the following provisions of this subsection) section 30 of this Act shall apply as if that sum had been paid by the employer to the employee on account of that payment ; but if, in a case falling within paragraph (a) of subsection (1) of this section, it appears to the Minister that the refusal or failure of the employer to pay the employer's payment, or part of it, as the case may be, was without reasonable excuse, the Minister (subject to section 34 of this Act) may withhold any rebate to which the employer would otherwise be entitled in respect of the employer's payment, or may reduce the amount of any such rebate to such extent as the Minister considers appropriate.

(5) For the purposes of this section an employer shall be taken to be insolvent if—

(a) he has become bankrupt or has made a composition or arrangement with his creditors ;

(b) he has died and an order has been made under section 130 of the Bankruptcy Act 1914 for the administration of his estate according to the law of bankruptcy, or by virtue of an order of the court his estate is being administered in accordance with the rules set out in Part I of Schedule 1 to the Administration of Estates Act 1925 ; or

PART II

(c) where the employer is a company, a winding-up order has been made with respect to it or a resolution for voluntary winding-up has been passed with respect to it, or a receiver or manager of its undertaking has been duly appointed, or possession has been taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the company comprised in or subject to the charge.

(6) In the application of this section to Scotland, for paragraphs (a) and (b) of the last preceding subsection there shall be substituted the following paragraphs:—

“(a) an award of sequestration has been made on his estate, or he has executed a trust deed for his creditors or entered into a composition contract; or

(b) he has died and a judicial factor appointed under section 163 of the Bankruptcy (Scotland) Act 1913 is required by the provisions of that section to divide his insolvent estate among his creditors”.

1913 c. 20.

(7) In this section “legal proceedings” does not include any proceedings before a tribunal, but includes any proceedings to enforce a decision or award of a tribunal.

Supplementary provisions as to applications under s. 32.

33.—(1) Where an employee makes an application to the Minister under the last preceding section, the Minister may, by notice in writing given to the employer, require the employer to provide the Minister with such information, and to produce for examination on behalf of the Minister documents in his custody or under his control of such descriptions, as the Minister may reasonably require for the purpose of determining whether the application is well-founded.

(2) If any person on whom a notice is served under this section fails without reasonable excuse to comply with a requirement imposed by the notice, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.

(3) Any person who—

- (a) in providing any information required by a notice under this section, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, or
- (b) produces for examination in accordance with any such notice a document which to his knowledge has been wilfully falsified,

shall be guilty of an offence under this subsection.

(4) A person guilty of an offence under the last preceding subsection shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months or both, or on conviction on indictment to a fine or to imprisonment for a term not exceeding two years or both.

PART II

34.—(1) Subsections (2) and (3) of this section shall have effect where—

References and appeals to tribunal relating to payments out of fund.

- (a) a claim is made for a rebate on the grounds that an employer is liable to pay, and has paid, an employer's payment, or prior notice that such a claim may arise is given in accordance with regulations made under section 30(4)(b) of this Act, or
- (b) an application is made to the Minister for a payment under section 32 of this Act, where it is claimed that an employer is liable to pay an employer's payment.

(2) Where any such claim or application is made or such prior notice is given, there shall be referred to a tribunal, in accordance with regulations made under Part III of this Act,—

- (a) any question as to the liability of the employer to pay the employer's payment ;
- (b) in a case falling within paragraph (a) of the preceding subsection, any question as to the amount of the rebate payable in accordance with Schedule 5 to this Act ;
- (c) in a case falling within paragraph (b) of that subsection, any question as to the amount of the sum payable in accordance with Schedule 6 to this Act ;

and any question referred to a tribunal by virtue of this subsection shall be determined by the tribunal in accordance with the regulations.

(3) Section 9(2) of this Act shall apply for the purposes of any reference under the preceding provisions of this section as it applies for the purposes of references under Part I of this Act.

(4) In any case where the Minister withholds, or reduces the amount of, a rebate in pursuance of section 30(6) or section 32(4) of this Act, the employer may appeal to a tribunal ; and if on any such appeal the tribunal is satisfied—

- (a) in a case where the rebate was withheld, that it should be paid in full, or should be reduced instead of being withheld, or
- (b) in a case where the rebate was reduced, that it should not be reduced, or should be reduced by a smaller or larger proportion than that which the Minister has applied,

the tribunal shall determine accordingly, and the Minister shall comply with any such determination of a tribunal.

PART II
Advances
out of
Consolidated
Fund.

35.—(1) Subject to the following provisions of this section, the Treasury may from time to time advance out of the Consolidated Fund to the Minister, for the purposes of the fund, such sums as the Minister may request; and any sums advanced to the Minister under this section shall be paid into the fund.

(2) The aggregate amount outstanding by way of principal in respect of sums advanced to the Minister under this section shall not at any time exceed £8 million, or such larger sum, not exceeding £20 million, as the Minister may by order made with the consent of the Treasury determine.

1939 c. 117.

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

(4) Any sums advanced to the Minister under this section shall be repaid by the Minister out of the fund into the Exchequer in such manner and at such times, and with interest thereon at such rate, as the Treasury may direct.

(5) All sums paid into the Exchequer under the last preceding subsection shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

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

(6) Any order under this section may be revoked by a subsequent order thereunder.

(7) Any power to make orders under this section shall be exercisable by statutory instrument; but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Interpretation
of Part II,
and
application
to Crown.

36.—(1) In this Part of this Act “contribution week” and “employer’s contribution” and (except in section 30 and sections 32 to 34 of this Act) “employer” have the same meanings as in the National Insurance Acts; “the National Insurance Acts” means the National Insurance Acts 1946 to 1964 and includes any enactment, whether passed before or after this

Act, which, by virtue of that enactment or any other enactment, may be cited together with those Acts in a citation which uses the phrase "the National Insurance Acts"; and "the Act of 1946" means the National Insurance Act 1946.

PART II

1946 c. 67.

(2) It is hereby declared that section 56 of the Act of 1946 (Crown servants) and any Order in Council made under that section shall have effect in accordance with subsections (1) and (2) of section 28 of this Act.

(3) If the employer's contribution payable in respect of any person under section 2(2) of the Act of 1946 is reduced, in respect of any contribution week, by virtue of regulations under section 57(3)(c) of that Act (which relates to Her Majesty's forces), nothing in this Part of this Act shall require the payment, in respect of that contribution week, of a redundancy fund contribution in respect of that person.

(4) Section 78(4) of the Act of 1946 (which makes provision for determining the age of any person for the purposes of that Act) and any regulations made thereunder shall have effect for the purposes of section 27 of this Act as they have effect for the purposes of that Act.

(5) In this Part of this Act "employee" has the same meaning as in Part I of this Act, and in section 30 and sections 32 to 34 of this Act "employer" has the same meaning as in Part I of this Act.

(6) In this Part of this Act "employer's payment" means any payment falling within paragraph (a), paragraph (b) or paragraph (c) of section 30(1) of this Act.

PART III

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

37.—(1) Sub-paragraph (2) of paragraph 7 of Schedule 1 to the Contracts of Employment Act 1963 (which preserves continuity of employment where an employee takes part in a strike, except where in doing so he breaks his contract of employment) shall have effect, subject to the following provisions of this section, with the omission of the words from "except" to the end of the sub-paragraph.

Continuity of employment in case of strike.
1963 c. 49.

(2) For the purpose of computing a period of continuous employment in accordance with Schedule 1 to this Act, the amendment made by the preceding subsection shall have effect in relation to any week beginning after the commencement of the Contracts of Employment Act 1963, whether before or after the passing of this Act.

(3) Nothing in this section shall affect the operation of section 1 or section 2 of the Contracts of Employment Act 1963 in relation to any notice given before the passing of this Act, or given after the passing of this Act but before the appointed day.

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PART III
Particulars of
terms of
employment.
1963 c. 49.

38.—(1) Subsections (1) to (4) of section 5 of the Contracts of Employment Act 1963 (which impose penalties in connection with the requirements of section 4 of that Act) shall cease to have effect, except in relation to—

- (a) any failure of an employer to comply with any of the requirements of section 4 of that Act within the time limited by that section, where that time expires before the appointed day, and
- (b) anything included in a statement under section 4 of that Act, or included in any document prepared for the purposes of subsection (5) or subsection (6) of the said section 4, where the statement is given or the document is prepared, as the case may be, before the appointed day.

(2) The following section shall be inserted in the Contracts of Employment Act 1963 after section 4 of that Act:—

“References to tribunals to particulars of terms of employment. 4A.—(1) Where an employer is required by section 4 of this Act to give to an employee a written statement under subsection (1) or subsection (4) of that section, and—

- (a) the employer does not give such a statement to the employee within the time limited by that section, and
- (b) that time expires on or after the appointed day,

the employee may require a reference to be made to a tribunal to determine what particulars ought to have been included or referred to in a statement given so as to comply with the requirements of that section.

(2) Where a statement purporting to be a statement under subsection (1) or subsection (4) of section 4 of this Act is given by an employer to an employee on or after the appointed day, and a question arises as to the particulars which ought to have been included or referred to in the statement so as to comply with the requirements of that section, either the employer or the employee may require that question to be referred to a tribunal.

(3) Where a statement under subsection (1) or subsection (4) of section 4 of this Act given by an employer to an employee (whether before, on, or after the appointed day) contains such an indication as is mentioned in subsection (6) of that section, and—

- (a) any particulars purporting to be particulars of a change to which that indication relates are

entered up or recorded on or after the appointed day in accordance with that indication, and

(b) a question arises as to the particulars which ought to have been so entered up or recorded, either the employer or the employee may require that question to be referred to a tribunal.

(4) Where, on a reference under subsection (1) of this section, a tribunal determines particulars as being those which ought to have been included or referred to in a statement, the employer shall be deemed to have given to the employee a statement in which those particulars were included, or referred to, as specified in the decision of the tribunal.

(5) On determining a reference under subsection (2) of this section, a tribunal may either confirm the particulars as included or referred to in the statement given by the employer, or may amend those particulars, or may substitute other particulars for them, as the tribunal may determine to be appropriate; and the statement shall be deemed to have been given by the employer to the employee in accordance with the decision of the tribunal.

(6) On determining a reference under subsection (3) of this section, a tribunal may either confirm the particulars to which the reference relates, or may amend those particulars, or may substitute other particulars for them, as the tribunal may determine to be appropriate; and particulars of the change to which the reference relates shall be deemed to have been entered up or recorded in accordance with the decision of the tribunal.

(7) Any matter required to be referred to a tribunal in pursuance of this section shall be referred to, and determined by, a tribunal in accordance with regulations made under Part III of the Redundancy Payments Act 1965.

(8) In this section 'tribunal' has the same meaning as in the Redundancy Payments Act 1965, and 'the appointed day' means the day which is the appointed day for the purposes of subsection (1) of section 38 of that Act".

39. In Schedule 2 to the Contracts of Employment Act 1963, after sub-paragraph (4) of paragraph 2 there shall be inserted the following sub-paragraphs:—

"(4A) Where, in arriving at the said average hourly rate of remuneration, account has to be taken of remuneration payable for, or apportionable to, work done in hours other

Amendment of
Schedule 2 to
Contracts of
Employment
Act 1963.
1963 c. 49.

PART III

than normal working hours, and the amount of that remuneration was greater than it would have been if the work had been done in normal working hours, account shall be taken of that remuneration as if—

- (a) the work had been done in normal working hours, and
- (b) the amount of that remuneration had been reduced accordingly.

(4B) For the purposes of the application of the last preceding sub-paragraph to a case falling within paragraph 1(2) of this Schedule, the last preceding sub-paragraph shall be construed as if, for the words 'had been done in normal working hours', in each place where those words occur, there were substituted the words 'had been done in normal working hours falling within the number of hours without overtime (as defined by paragraph 1 of this Schedule)''.

Strike during
currency of
employer's
notice to
terminate
contract.

40.—(1) The provisions of this section shall have effect where, after an employer has given notice to an employee to terminate his contract of employment (in this section referred to as a "notice of termination")—

- (a) the employee begins to take part in a strike of employees of the employer, and
- (b) the employer serves on him a notice in writing (in this section referred to as a "notice of extension") requesting him to agree to extend the contract of employment beyond the time of expiry by an additional period comprising as many available days as the number of working days lost by striking (in this section referred to as "the proposed period of extension").

(2) A notice of extension shall indicate the reasons for which the employer makes the request contained in the notice, and shall state that unless either—

- (a) the employee complies with the request, or
- (b) the employer is satisfied that, in consequence of sickness, injury or otherwise, he is unable to comply with it, or that (notwithstanding that he is able to comply with it) in the circumstances it is reasonable for him not to do so,

the employer will contest any liability to pay him a redundancy payment in respect of the dismissal effected by the notice of termination.

(3) For the purposes of this section an employee shall be taken to comply with the request contained in a notice of extension if,

but only if, on each available day within the proposed period of extension, he attends at his proper or usual place of work and is ready and willing to work, whether he has signified his agreement to the request in any other way or not.

(4) Where an employee on whom a notice of extension has been served—

- (a) complies with the request contained in the notice, or
- (b) does not comply with it, but attends at his proper or usual place of work and is ready and willing to work on one or more (but not all) of the available days within the proposed period of extension,

the notice of termination shall have effect, and shall be deemed at all material times to have had effect, as if the period specified in it had (in a case falling within paragraph (a) of this subsection) been extended beyond the time of expiry by an additional period equal to the proposed period of extension or (in a case falling within paragraph (b) of this subsection) had been extended beyond the time of expiry up to the end of the day (or, if more than one, the last of the days) on which he so attends and is ready and willing to work; and section 2 of, and Schedule 2 to, the Contracts of Employment Act 1963 shall apply accordingly as if the period of notice required by section 1(1) of that Act were extended to a corresponding extent. 1963 c. 49.

(5) Subject to the next following subsection, if an employee on whom a notice of extension is served in pursuance of subsection (1) of this section does not comply with the request contained in the notice, he shall not be entitled to a redundancy payment by reason of the dismissal effected by the notice of termination, unless the employer agrees to pay such a payment to him notwithstanding that the request has not been complied with.

(6) Where a notice of extension has been served, and on a reference to a tribunal it appears to the tribunal that the employee has not complied with the request contained in the notice and the employer has not agreed to pay a redundancy payment in respect of the dismissal in question, but that the employee was unable to comply with the request, or it was reasonable for him not to comply with it, as mentioned in subsection (2)(b) of this section, the tribunal may determine that the employer shall be liable to pay to the employee—

- (a) the whole of any redundancy payment to which the employee would have been entitled apart from the last preceding subsection, or
- (b) such part of any such redundancy payment as the tribunal thinks fit.

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(7) The service of a notice of extension, and any extension, by virtue of subsection (4) of this section, of the period specified in a notice of termination,—

- (a) shall not affect any right either of the employer or of the employee to terminate the contract of employment (whether before, at or after the time of expiry) by a further notice or without notice, and
- (b) shall not affect the operation of Part I of this Act in relation to any such termination of the contract of employment.

(8) In this section any reference to the number of working days lost by striking is a reference to the number of working days in the period beginning with the date of service of the notice of termination and ending with the time of expiry which are days on which the employee in question takes part in a strike of employees of the employer.

(9) In this section “time of expiry”, in relation to a notice of termination, means the time at which the notice would expire apart from this section, “working day”, in relation to an employee, means a day on which, in accordance with his contract of employment, he is normally required to work, “available day”, in relation to an employee, means a working day beginning at or after the time of expiry which is a day on which he is not taking part in a strike of employees of the employer, and “available day within the proposed period of extension” means an available day which begins before the end of that period.

Payments equivalent to rebates in respect of certain classes of employees.

41.—(1) The provisions of this section shall have effect with respect to employment of any of the following descriptions, that is to say—

- (a) any such employment as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of subsection (4) of section 16 of this Act (whether as originally enacted or as modified by any order under that section);
- (b) any employment remunerated out of the revenues of the Duchy of Lancaster or the Duchy of Cornwall;
- (c) any employment remunerated out of the Queen’s Civil List;
- (d) any employment remunerated out of Her Majesty’s Privy Purse.

(2) Where the Minister is satisfied that a payment has been, or will be, made in respect of the termination of any person’s employment of any description specified in the preceding subsection, and that the payment has been, or will be, so made to or in respect of him—

- (a) in accordance with any provision of the Superannuation Acts, or

(b) in accordance with any such arrangements as are mentioned in the next following subsection,

the Minister shall pay the appropriate sum out of the Redundancy Fund to the appropriate fund or authority.

(3) The arrangements referred to in paragraph (b) of the last preceding subsection are any arrangements made with the approval of the Treasury for securing that payments by way of compensation for loss of any such employment as is mentioned in subsection (1) of this section will be made—

(a) in circumstances which in the opinion of the Treasury correspond (subject to the appropriate modifications) to those in which a right to a redundancy payment would have accrued if section 1 of this Act had applied, and

(b) on a scale which in the opinion of the Treasury, taking into account any sums which are payable in accordance with the Superannuation Acts to or in respect of the person losing the employment in question, corresponds (subject to the appropriate modifications) to that on which a redundancy payment would have been payable if section 1 of this Act had applied.

(4) For the purposes of subsection (2) of this section the appropriate sum is the sum appearing to the Minister to be equal to the amount of the rebate which would have been payable under Part II of this Act if such a right as is mentioned in paragraph (a) of the last preceding subsection had accrued, and such a redundancy payment as is mentioned in paragraph (b) of the last preceding subsection had been payable and had been paid.

(5) Any accounts prepared by the Minister under section 26(2) of this Act shall show as a separate item the aggregate amount of sums paid under subsection (2) of this section during the period to which the accounts relate.

(6) In this section “the Superannuation Acts” means the Superannuation Acts 1834 to 1965 and any Act amending those Acts, whether passed before or after the passing of this Act, and “the appropriate fund or authority”—

(a) in relation to employment of any description falling within paragraph 7 of subsection (1) of section 7 of the Superannuation (Amendment) Act 1965 (whether as 1965 c. 10. originally enacted or as modified by any order under that section), means the fund out of which, or the body out of whose revenues, the employment is remunerated ;

(b) in relation to any employment remunerated out of the Post Office Fund, means that fund ;

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- (c) in relation to any employment remunerated out of the revenues of the Duchy of Lancaster, means the Chancellor of the Duchy, and, in relation to any employment remunerated out of the revenues of the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ;
- (d) in relation to any employment remunerated out of the Queen's Civil List or out of Her Majesty's Privy Purse, means the Civil List or the Privy Purse, as the case may be ; and
- (e) in any other case, means the Exchequer.

References to tribunal as to payments to certain employees.

42.—(1) This section applies to any such payment as is mentioned in subsection (3) of the last preceding section which is payable in accordance with any such arrangements as are mentioned in that subsection.

(2) Where the terms and conditions (whether constituting a contract of employment or not) on which any person is employed in any such employment as is mentioned in subsection (1) of the last preceding section include provision—

- (a) for the making of any payment to which this section applies, and
- (b) for referring to a tribunal any such question as is mentioned in the following provisions of this subsection,

any question as to the right of any person to such a payment in respect of that employment, or as to the amount of such a payment shall, in accordance with regulations made under section 46 of this Act, be referred to and determined by a tribunal.

Employment under Government of overseas territory.

43.—(1) Where the Minister is satisfied that, in accordance with any such arrangements as are mentioned in the next following subsection, a payment has been, or will be, made in respect of the termination of a person's employment in any capacity under the Government of an overseas territory (in this section referred to as "the relevant Government"), and that employer's contributions within the meaning of the National Insurance Act 1946 were paid in respect of the whole or part of the period during which that person was in that employment, the Minister shall pay the appropriate sum out of the Redundancy Fund to such fund or authority as may be designated in that behalf by the relevant Government.

(2) The arrangements referred to in the preceding subsection are any arrangements made by or on behalf of the relevant Government for securing that payments by way of compensation

1946 c. 67.

for loss of employment in the capacity in question will be made—

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- (a) in circumstances which in the opinion of the Minister correspond (subject to the appropriate modifications) to those in which a right to a redundancy payment would have accrued if section 1 of this Act had applied, and
- (b) on a scale which in the opinion of the Minister corresponds (subject to the appropriate modifications) to that on which a redundancy payment would have been payable if that section had applied.

(3) For the purposes of subsection (1) of this section the appropriate sum (subject to the next following subsection) is the sum appearing to the Minister to be equal to the amount of the rebate which would have been payable under Part II of this Act if such a right as is mentioned in paragraph (a) of the last preceding subsection had accrued, and such a redundancy payment as is mentioned in paragraph (b) of the last preceding subsection had been payable and had been paid.

(4) Where it appears to the Minister that such contributions as are mentioned in subsection (1) of this section were paid in respect of part (but not the whole) of the period of employment in question, the rebate which would have been payable as mentioned in the last preceding subsection shall be calculated as if the employment had been limited to that part of the period.

(5) Any accounts prepared by the Minister under section 26(2) of this Act shall show as a separate item the aggregate amount of sums paid under subsection (1) of this section during the period to which the accounts relate.

(6) In this Act "overseas territory" means any territory or country outside the United Kingdom; and any reference to the Government of an overseas territory includes a reference to a Government constituted for two or more overseas territories and to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories.

44.—(1) On and after the appointed day there shall be referred to and determined by a tribunal any question which by any statutory provision is directed (in whatsoever terms) to be determined by a referee or board of referees constituted under any of the statutory provisions specified in Schedule 7 to this Act, or which is so directed to be determined in the absence of agreement to the contrary. Transfer of jurisdiction to tribunals.

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(2) The transfer of any jurisdiction by this section shall not affect the principles on which any question is to be determined or the persons on whom the determination is binding, or any provision which requires particular matters to be expressly dealt with or embodied in the determination, or which relates to evidence.

Levies under
Industrial
Training
Act 1964.
1964 c. 16.

45. In subsection (2) of section 12 of the Industrial Training Act 1964 (which provides that, on an appeal against an assessment to a levy under that Act, the tribunal may rescind or reduce the assessment, but must otherwise confirm it) after the word "but" there shall be inserted the words "(subject to subsection (2A) of this section)"; and at the end of that subsection there shall be inserted the following subsection—

"(2A) If, on an appeal, it appears to such a tribunal that the appellant ought to have been assessed to the levy in a larger amount, the tribunal may increase the assessment accordingly."

Procedure of
tribunals.

46.—(1) The Minister shall by regulations make such provision as appears to him to be necessary or expedient with respect to—

- (a) proceedings in pursuance of appeals under section 12 of the Industrial Training Act 1964;
- (b) proceedings in pursuance of references or appeals under Part I or Part II or section 40 or section 42 of this Act;
- (c) proceedings in pursuance of section 4A of the Contracts of Employment Act 1963;
- (d) proceedings in pursuance of references under any statutory provision as modified by section 44 of this Act; and
- (e) proceedings to determine any question which, by or under any statutory provision passed or made after the passing of this Act, is directed to be referred to and determined by a tribunal as defined by this Act;

1963 c. 49.

1950 c. 27.

and the Arbitration Act 1950 shall not apply to any such proceedings.

(2) The regulations to be made under this section may, in particular, include provision—

- (a) for determining by which tribunal any appeal or question shall be determined;
- (b) for treating the Minister (either generally or in such circumstances as may be prescribed by the regulations)

- as a party to any such proceedings, where he would not otherwise be a party to them, and entitling him to appear and to be heard accordingly ;
- (c) for requiring persons to attend to give evidence and produce documents, and for authorising the administration of oaths to witnesses ;
 - (d) for granting to any person such discovery or inspection of documents as might be granted by a county court in England or Wales, or, in Scotland, for granting to any person such recovery or inspection of documents as might be granted by the sheriff ;
 - (e) for prescribing the procedure to be followed on any appeal or reference or other proceedings before a tribunal ;
 - (f) for the appointment of one or more assessors for the purposes of any such proceedings as are mentioned in paragraph (d) or paragraph (e) of the preceding subsection, where the statutory provision in question provides for one or more assessors to be appointed ;
 - (g) for the award of costs or expenses, including any allowances payable under section 12(3) of the Industrial Training Act 1964 other than allowances payable to 1964 c. 16. members of tribunals or assessors ;
 - (h) for taxing or otherwise settling any such costs or expenses (and, in particular, in England and Wales, for enabling such costs to be taxed in the county court) and for the enforcement of any such award as is mentioned in the last preceding paragraph ; and
 - (i) for the registration and proof of decisions of tribunals.
- (3) Any sum payable in pursuance of a decision of a tribunal in England or Wales which has been registered in accordance with the regulations shall, if a county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court ; and any award of a tribunal in Scotland may be registered for execution in the Books of Council and Session, and may be enforced accordingly.
- (4) Any person who without reasonable excuse fails to comply with any requirement imposed by regulations under this section in accordance with paragraph (c) or paragraph (d) of subsection (2) of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 or imprisonment for a term not exceeding three months or both.
- (5) In section 12(3) of the Industrial Training Act 1964 (which enables the Minister to pay fees and allowances to members of tribunals, and allowances to persons giving evidence before

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tribunals) after the words " regulations under this section " there shall be inserted the words " and to any assessors appointed for the purposes of proceedings before such tribunals " ; the words " and to persons giving evidence before such tribunals such allowances " shall be omitted ; and at the end of the said section 12(3) there shall be inserted the words " and may out of moneys so provided pay to any other persons such allowances as he may with the consent of the Treasury determine for the purposes of, or in connection with, their attendance at such tribunals " .

(6) Any sum recovered by the Minister in pursuance of any such award as is mentioned in subsection (2)(g) of this section, where the award was made in proceedings in pursuance of a reference or appeal under Part I or Part II or section 40 or section 42 of this Act, shall be paid into the Redundancy Fund.

1964 c. 16.

(7) In subsection (1) of section 12 of the Industrial Training Act 1964, the words from " and such regulations " to the end of the subsection shall cease to have effect ; but, in so far as any regulations made under that section before the passing of this Act contain any such provision as is referred to in paragraph (a) or paragraph (b) of that subsection, those regulations shall have effect as if made under this section, and may be varied or revoked accordingly.

Statutory
compensation
schemes.

47.—(1) This section applies to any statutory provision (not contained in this Act) which is in force immediately before the appointed day, whereby the holders of such situations, places or employments as are specified in that provision are, or may become, entitled to compensation for loss of employment, or for loss or diminution of emoluments or of pension rights, in consequence of the operation of any other statutory provision referred to therein.

(2) The Minister may make provision by regulations for securing that where apart from this section a person is entitled to compensation under a statutory provision to which this section applies, and the circumstances are such that he is also entitled to a redundancy payment, the amount of the redundancy payment shall be set off against the compensation to which he would be entitled apart from this section ; and any statutory provision to which any such regulations apply shall have effect subject to the regulations.

Associated
companies.

48.—(1) Where the employer is a company, any reference in Part I of this Act to re-engagement by the employer shall be construed as a reference to re-engagement by that company or by any associated company, and any reference in that Part of this Act to an offer made by the employer shall be construed as including a reference to an offer made by an associated company.

(2) The preceding subsection shall not affect the operation of section 13 of this Act in a case where the previous owner and the new owner (as defined by that section) are associated companies; and where that section applies, the preceding subsection shall not apply.

(3) Where an employee is dismissed by his employer, and the employer is a company (in this subsection referred to as "the employing company") which has one or more associated companies, then if—

- (a) neither of the conditions specified in paragraphs (a) and (b) of section 1(2) of this Act is fulfilled, but
- (b) one or other of those conditions would be fulfilled if the business of the employing company and the business of the associated company (or, if more than one, each of the associated companies) were treated as together constituting one business,

that condition shall for the purposes of Part I of this Act be taken to be fulfilled in relation to the dismissal of the employee.

(4) For the purposes of this section two companies shall be taken to be associated companies if one is a subsidiary of the other, or both are subsidiaries of a third company, and "associated company" shall be construed accordingly.

(5) In this section "company" includes any body corporate, and "subsidiary", except in relation to the bodies specified in the next following subsection, has the same meaning as, by virtue of section 154 of the Companies Act 1948, it has for 1948 c. 38. the purposes of that Act.

(6) In relation to the following bodies, that is to say—

- the British Railways Board,
- the London Transport Board,
- the British Transport Docks Board,
- the British Waterways Board, and
- the Transport Holding Company,

"subsidiary" in this section has the meaning assigned to it by section 92(1) of the Transport Act 1962.

1962 c. 46.

(7) In Schedule 1 to the Contracts of Employment Act 1963, 1963 c. 49. in paragraph 10(1), after the words "this paragraph", there shall be inserted the words "and paragraph 10A of this Schedule", and after paragraph 10 there shall be inserted the following paragraph:—

"10A.—(1) Where an employee of a company is taken into the employment of another company which, at the time when he is taken into its employment, is an associated company of the first-mentioned company, his period of

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employment at that time shall count as a period of employment with the associated company, and the change of employer shall not break the continuity of the period of employment.

(2) In this paragraph "company" and "associated company" have the meanings assigned to them by section 48 of the Redundancy Payments Act 1965".

Application of Act to certain employments not falling within s. 25(1).

49.—(1) This section applies to employment of any description which—

(a) is not employment under a contract of service or of apprenticeship, and

(b) is not employment of any description falling within paragraphs (a) to (d) of section 41(1) of this Act,

but is employment such that redundancy fund contributions will be payable under Part II of this Act in respect of persons engaged therein.

(2) The Minister may by regulations under this section provide that, subject to such exceptions and modifications as may be prescribed by the regulations, the provisions of this Act shall have effect in relation to any such employment of a description to which this section applies as may be so prescribed as if—

(a) it were employment within the meaning of subsection (1) of section 25 of this Act, and

(b) any person engaged in employment of that description were an employee within the meaning of that subsection, and

(c) such person as may be determined by or under the regulations were his employer within the meaning of that subsection.

(3) Without prejudice to the generality of the last preceding subsection, regulations made under this section may provide that section 31 of this Act shall apply to persons engaged in any such employment of a description to which this section applies as may be prescribed by the regulations, as if those persons were employees within the meaning of that section.

Provision for treating termination of certain employments by statute as equivalent to dismissal.

50.—(1) The Minister may by regulations under this section provide that, subject to such exceptions and modifications as may be prescribed by the regulations, the provisions of this Act shall have effect in relation to any person who, by virtue of any statutory provisions,—

(a) is transferred to, and becomes a member of, a body specified in those provisions, but

(b) at a time so specified ceases to be a member of that body unless before that time certain conditions so specified have been fulfilled,

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as if the cessation of his membership of that body by virtue of those provisions were dismissal by his employer by reason of redundancy.

(2) The power conferred by the preceding subsection shall be exercisable whether membership of the body in question constitutes employment within the meaning of section 25(1) of this Act or not; and, where that membership does not constitute such employment, that power may be exercised in addition to any power exercisable by virtue of section 49 of this Act.

51.—(1) This section applies to any employee whose remuneration is, by virtue of any statutory provision, payable to him by a person other than his employer. Employees paid by person other than employer.

(2) For the purposes of the operation, in relation to employees to whom this section applies, of the provisions of this Act specified in column 1 of Schedule 8 to this Act, any reference to the employer which is specified in column 2 of that Schedule shall be construed as a reference to the person responsible for paying the remuneration.

(3) In relation to employees to whom this section applies, section 53 of this Act shall have effect as if—

(a) any reference in subsection (1) or subsection (2) of that section to a notice required or authorised to be given by or to an employer included a reference to a notice which, by virtue of the last preceding subsection, is required or authorised to be given by or to the person responsible for paying the remuneration;

(b) in relation to a notice required or authorised to be given to that person, any reference to the employer in paragraph (a) or paragraph (b) of subsection (2) of that section were a reference to that person; and

(c) the reference to the employer in subsection (5) of that section included a reference to that person.

(4) In this section and in Schedule 8 to this Act “employer” and “employee” have the same meanings as in Part I of this Act, and “the person responsible for paying the remuneration” means the person by whom the remuneration is payable as mentioned in subsection (1) of this section.

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Offences.

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

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

Provisions
as to notices.

53.—(1) Any notice which under this Act is required or authorised to be given by an employer to an employee may be given by being delivered to the employee, or left for him at his usual or last-known place of residence, or sent by post addressed to him at that place.

(2) Any notice which under this Act is required or authorised to be given by an employee to an employer may be given either by the employee himself or by a person authorised by him to act on his behalf, and, whether given by or on behalf of the employee,—

(a) may be given by being delivered to the employer, or sent by post addressed to him at the place where the employee is or was employed by him, or

(b) if arrangements in that behalf have been made by the employer, may be given by being delivered to a person designated by the employer in pursuance of the arrangements, or left for such a person at a place so designated, or sent by post to such a person at an address so designated.

(3) In the preceding provisions of this section any reference to the delivery of a notice shall, in relation to a notice which is not required by this Act to be in writing, be construed as including a reference to the oral communication of the notice.

(4) Any notice which, in accordance with any provision of this section, is left for a person at a place referred to in that provision shall, unless the contrary is proved, be presumed to have been received by him on the day on which it was left there.

(5) Nothing in subsection (1) or subsection (2) of this section shall be construed as affecting the capacity of an employer to act by a servant or agent for the purposes of any provision of this Act, including either of those subsections.

54.—(1) Any power to make regulations under this Act shall be exercisable by statutory instrument ; and any such regulations may make different provision in relation to different cases. PART III
Regulations.

(2) A statutory instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

55.—(1) Except as provided by the following provisions of this section, all expenses incurred in consequence of this Act by any government department other than the Postmaster General, and any increase attributable to this Act in the sums payable out of moneys provided by Parliament under any other enactment, shall be defrayed out of moneys provided by Parliament. Expenses.

(2) The expenses to be so defrayed shall include—

(a) any expenses incurred by any government department other than the Postmaster General which are attributable to any such arrangements as are mentioned in section 41(3) of this Act, and

(b) any increase attributable to any such arrangements in the sums payable out of moneys provided by Parliament under any other enactment.

(3) The expenses to be so defrayed shall not include any sums payable out of the Consolidated Fund under section 35 of this Act.

(4) Notwithstanding anything in section 1 of the Post Office Act 1961, any expenses incurred by the Postmaster General which are attributable to any such arrangements as are mentioned in section 41(3) of this Act shall be defrayed out of moneys provided by Parliament. 1961 c. 15.

(5) There shall be paid out of the Redundancy Fund into the Exchequer sums equal to the amount of any expenses incurred by the Minister in consequence of this Act, other than—

(a) fees and allowances payable under section 12(3) of the Industrial Training Act 1964, which are not so payable in respect of proceedings in pursuance of references or appeals under Part I or Part II or section 40 or section 42 of this Act ; 1964 c. 16.

(b) any expenses incurred by the Minister in paying redundancy fund contributions ; and

(c) any expenses incurred by the Minister in the payment of sums in accordance with any such arrangements as are mentioned in section 41(3) of this Act.

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(6) There shall be paid out of the Redundancy Fund into the Exchequer such sums as the Minister may estimate in accordance with directions given by the Treasury to be the amount of any expenses incurred by any government department other than the Minister and the Postmaster General in consequence of the provisions of Part II of this Act, except—

- (a) any expenses incurred in paying redundancy fund contributions, and
- (b) any such expenses as are mentioned in section 29(1) of this Act.

Interpretation. **56.—**(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“government department” includes any Minister of the Crown;

“the Minister” means the Minister of Labour;

“renewal” includes extension, and any reference to renewing a contract or a fixed term shall be construed accordingly;

“statutory provision” means a provision, whether of a general or a special nature, contained in, or in any document made or issued under, any Act, whether of a general or a special nature;

“strike” and “lock-out” have the meanings assigned to them by paragraph 11(1) of Schedule 1 to the Contracts of Employment Act 1963;

“tribunal” means a tribunal established under section 12 of the Industrial Training Act 1964.

1963 c. 49.

1964 c. 16.

(2) In this Act “the appointed day” means such day as the Minister may appoint by order made by statutory instrument; and different days may be so appointed for different provisions or different purposes of this Act.

(3) In this Act any reference to the Government of an overseas territory shall be construed in accordance with subsection (6) of section 43 of this Act.

(4) For the purposes of this Act it is immaterial whether the law which (apart from this Act) governs any person's employment is the law of Great Britain, or of a part of Great Britain, or not.

(5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any subsequent enactment, including this Act.

57.—(1) If an Act of Tynwald is passed for purposes similar to the purposes of this Act, the Minister may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Isle of Man authority for co-ordinating the provisions of this Act with the corresponding provisions of the Act of Tynwald so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system. PART III
Isle of Man.

(2) For the purposes of giving effect to any such arrangements, the Minister shall have power, in conjunction with the appropriate Isle of Man authority, to make any necessary financial adjustments between the Redundancy Fund and any fund established under the Act of Tynwald.

(3) The Minister may make regulations for giving effect in Great Britain to any such arrangements, and any such regulations may provide that this Act shall have effect in relation to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—

- (a) for securing that acts, omissions and events having any effect for the purposes of the Act of Tynwald shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double payment in respect of the same act, omission or event); and
- (b) for determining, in cases where rights accrue both under this Act and under the Act of Tynwald, which of those rights shall be available to the person concerned.

(4) In this section “the appropriate Isle of Man authority” means such authority as may be specified in that behalf in an Act of Tynwald.

58.—(1) If legislation is passed for purposes similar to the purposes of this Act by the Parliament of Northern Ireland, the Minister may, with the consent of the Treasury, make reciprocal arrangements with the appropriate Northern Irish authority for co-ordinating the provisions of this Act with the corresponding provisions of the Northern Irish legislation, so as to secure that they operate, to such extent as may be provided by the arrangements, as a single system. Northern
Ireland.

(2) For the purpose of giving effect to any such arrangements, the Minister shall have power, in conjunction with the appropriate Northern Irish authority, to make any necessary financial adjustments between the Redundancy Fund and any fund established under the Northern Irish legislation.

(3) The Minister may make regulations for giving effect in Great Britain to any such arrangements, and any such regulations may provide that this Act shall have effect in relation

PART III to persons affected by the arrangements subject to such modifications and adaptations as may be specified in the regulations, including provision—

(a) for securing that acts, omissions and events having any effect for the purposes of the Northern Irish legislation shall have a corresponding effect for the purposes of this Act (but not so as to confer a right to double payment in respect of the same act, omission or event); and

(b) for determining, in cases where rights accrue both under this Act and under the Northern Irish legislation, which of those rights shall be available to the person concerned.

1920 c. 67. (4) In connection with any such legislation as is mentioned in subsection (1) of this section, any limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall not apply in so far as it would preclude that Parliament from enacting a provision corresponding to some provision of this Act.

(5) In this section “the appropriate Northern Irish authority” means such authority as may be specified in that behalf in any such legislation as is mentioned in subsection (1) of this section.

Short title,
repeals and
extent.

59.—(1) This Act may be cited as the Redundancy Payments Act 1965.

(2) The enactments specified in Schedule 9 to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that—

1963 c. 49. (a) the repeal in section 5 of the Contracts of Employment Act 1963 shall have effect subject to the exceptions specified in subsection (1) of section 38 of this Act;

(b) the repeal in Schedule 1 to that Act shall have effect subject to subsection (3) of section 37 of this Act as if the repeal were contained in that section; and

1964 c. 16. (c) the repeal in section 12(1) of the Industrial Training Act 1964 shall have effect subject to section 46(7) of this Act.

(3) This Act, except the last preceding section, shall not form part of the law of Northern Ireland.

SCHEDULES

Section 1.

SCHEDULE 1

CALCULATION OF REDUNDANCY PAYMENTS

1.—(1) The amount of a redundancy payment to which an employee is entitled in any case shall, subject to the following provisions of this Schedule, be calculated by reference to the period, ending with the relevant date, during which he has been continuously employed; and for the purposes of this Schedule that period shall be computed in accordance with Schedule 1 to the Contracts of 1963 c. 49. Employment Act 1963, but as if—

- (a) any week which began before the employee attained the age of eighteen were excluded, and
- (b) the continuity of an employee's period of employment were not broken by a week which does not count under that Schedule, if the whole or part of that week falls within any such interval as is referred to in section 8(3) of this Act.

(2) Where section 17 or section 24 of this Act applies, sub-paragraph (1) of this paragraph shall have effect subject to that section.

2. Subject to paragraphs 3 and 4 of this Schedule, the amount of the redundancy payment shall be calculated by reference to the period specified in the preceding paragraph by starting at the end of that period and reckoning backwards the number of years of employment falling within that period, and allowing—

- (a) one and a half weeks' pay for each such year of employment which consists wholly of weeks in which the employee was not below the age of forty-one;
- (b) one week's pay for each such year of employment (not falling within the preceding sub-paragraph) which consists wholly of weeks in which the employee was not below the age of twenty-two; and
- (c) half a week's pay for each such year of employment not falling within either of the preceding sub-paragraphs.

3. Where, in reckoning the number of years of employment in accordance with paragraph 2 of this Schedule, twenty years of employment have been reckoned, no account shall be taken of any year of employment earlier than those twenty years.

4.—(1) Where in the case of an employee the relevant date is after the specified anniversary, the amount of the redundancy payment, calculated in accordance with the preceding provisions of this Schedule, shall be reduced by the appropriate fraction.

(2) In this paragraph "the specified anniversary", in relation to a man, means the sixty-fourth anniversary of the day of his birth, and, in relation to a woman, means the fifty-ninth anniversary of the day of her birth, and "the appropriate fraction" means the fraction of which—

- (a) the numerator is the number of whole months, reckoned from the specified anniversary, in the period beginning with that anniversary and ending with the relevant date, and
- (b) the denominator is twelve.

SCH. 1

1963 c. 49.

5.—(1) For the purposes of this Schedule the amount of a week's pay shall, subject to the following provisions of this paragraph, and except as may be otherwise provided by regulations made by the Minister, be taken to be the minimum remuneration to which the employee would in the week ending with the relevant date have been entitled, under Schedule 2 to the Contracts of Employment Act 1963, if the conditions in the next following sub-paragraph had been fulfilled (whether those conditions were in fact fulfilled or not).

(2) Those conditions are—

- (a) that the contract of employment was terminable by notice, and was terminated by the employer by giving such notice as is required by section 1(1) of the said Act of 1963 ;
- (b) that, in a case falling within paragraph 2 of Schedule 2 to that Act, the employee was ready and willing to work during the week ending with the relevant date but no work was then provided for him ;
- (c) that, in a case falling within paragraph 3 of that Schedule, the employee was willing to do work of a reasonable nature and amount to earn remuneration at the rate mentioned in sub-paragraph (2) of that paragraph ;
- (d) that the employee was not absent from work with the leave of his employer ;
- (e) that Schedule 2 to that Act, if by virtue of section 6 of that Act it did not apply to the employee, applied to him notwithstanding that section.

(3) Notwithstanding anything in sub-paragraph (1) of this paragraph, but subject to the following provisions of this paragraph, the amount of a week's pay shall not in any case be taken for the purposes of this Schedule to exceed £40.

(4) The Minister may by order provide that, subject to such transitional provisions (if any) as may be contained in the order, the last preceding sub-paragraph shall have effect as if, for the sum of £40, there were substituted such larger sum as may be specified in the order.

(5) Any order under this paragraph may be varied or revoked by a subsequent order thereunder.

(6) Any power to make orders under this paragraph shall be exercisable by statutory instrument ; but no such order shall be made unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

6. For the purposes of any provision contained in Part I of this Act whereby a tribunal may determine that an employer shall be liable to pay to an employee either—

- (a) the whole of the redundancy payment to which the employee would have been entitled apart from another provision therein mentioned, or
- (b) such part of that redundancy payment as the tribunal thinks fit,

the preceding provisions of this Schedule shall apply as if in those provisions any reference to the amount of a redundancy payment were a reference to the amount of the redundancy payment to which the employee would have been so entitled.

SCH. 1

7. The preceding provisions of this Schedule shall have effect without prejudice to the operation of any regulations made under section 14 of this Act whereby the amount of a redundancy payment, or part of a redundancy payment, may be reduced.

8. Where the relevant date does not occur at the end of a week, any reference in the preceding provisions of this Schedule to the relevant date shall be construed as a reference to the end of the week in which that date falls.

9. In this Schedule "week" means a week ending with Saturday, and "year of employment" means fifty-two weeks (whether continuous or discontinuous) which, in accordance with Schedule 1 to the Contracts of Employment Act 1963, count in computing a period of 1963 c. 49. employment.

SCHEDULE 2

Section 5.

CALCULATION OF WEEK'S PAY FOR PURPOSES OF SHORT-TIME

1.—(1) Where for the purposes of section 1(1)(b) of this Act it falls to be determined whether an employee has been laid off or kept on short-time—

(a) for four consecutive weeks, or

(b) for a series of six weeks (of which not more than three are consecutive) within a period of thirteen weeks,

as mentioned in section 6(1) of this Act, the provisions of this Schedule shall have effect for calculating the amount of a week's pay for the purposes of section 5(2) of this Act.

(2) In this Schedule "the beginning of the relevant period" means the beginning of the first of the four weeks or six weeks (as the case may be) referred to in the preceding sub-paragraph, and "week" has the meaning assigned to it by section 5(3) of this Act.

2. Except as may be otherwise provided by regulations made by the Minister, the amount of a week's pay, for the purposes of section 5(2) of this Act, shall be taken to be an amount equal to the minimum remuneration to which, under Schedule 2 to the Contracts of Employment Act 1963, the employee would have been entitled in respect of the last complete week before the beginning of the relevant period if the conditions specified in the next following paragraph (in this Schedule referred to as "the assumed conditions as to notice") and the further conditions specified in paragraph 4 of this Schedule had been fulfilled.

3. The assumed conditions as to notice are that—

(a) the contract of employment was terminable by notice (whether it was in fact so terminable or not), and

2 Z

SCH. 2
1963 c. 49.

- (b) the contract was terminated by the employer by giving such notice as is required by section 1(1) of the Contracts of Employment Act 1963, and
- (c) that notice expired immediately before the beginning of the relevant period.

4.—(1) The further conditions referred to in paragraph 2 of this Schedule are—

- (a) that, in a case which (if the assumed conditions as to notice had been fulfilled) would have fallen within paragraph 2 of Schedule 2 to the Contracts of Employment Act 1963, the employee was ready and willing to work during the whole of the normal working hours but no work was then provided for him ;
- (b) that, in a case which (if the assumed conditions as to notice had been fulfilled) would have fallen within paragraph 3 of that Schedule, the employee was at all material times ready and willing to do work of a reasonable nature and amount to earn remuneration at the rate mentioned in sub-paragraph (2) of that paragraph ;
- (c) that the employee was not at any material time absent from work with the leave of his employer ;
- (d) that Schedule 2 to that Act, if by virtue of section 6 of that Act it did not apply to the employee, applied to him notwithstanding that section.

(2) For the purposes of this Schedule it is immaterial whether any of the conditions mentioned in the preceding sub-paragraph was in fact fulfilled or not.

Section 16.

SCHEDULE 3

NATIONAL HEALTH SERVICE EMPLOYERS

1. A Hospital Board or Regional Hospital Board.
2. The Board of Governors of a teaching hospital.
3. The Board of Management of a hospital or group of hospitals in Scotland.
4. The Dental Estimates Board.
5. The Scottish Dental Estimates Board.
6. Any Executive Council constituted, or deemed to be constituted, under the National Health Service Act 1946 or the National Health Service (Scotland) Act 1947.
7. Any joint committee constituted under section 31(4) of the said Act of 1946 or section 32(4) of the said Act of 1947.
8. The Public Health Laboratory Service Board.

1946 c. 81.
1947 c. 27.

SCHEDULE 4

Section 23.

DEATH OF EMPLOYER OR OF EMPLOYEE

PART I

DEATH OF EMPLOYER

Introductory

1. The provisions of this Part of this Schedule shall have effect in relation to an employee where his employer (in this Part of this Schedule referred to as "the deceased employer") dies.

2. Section 13 of this Act shall not apply to any change whereby the ownership of the business, for the purposes of which the employee was employed by the deceased employer, passes to a personal representative of the deceased employer.

Dismissal

3. Where, by virtue of subsection (1) of section 22 of this Act, the death of the deceased employer is to be treated for the purposes of this Act as a termination by him of the contract of employment, the employee shall nevertheless not be treated for those purposes as having been dismissed by the deceased employer if—

(a) his contract of employment is renewed by a personal representative of the deceased employer, or he is re-engaged under a new contract of employment by such a personal representative, and

(b) the renewal or re-engagement takes effect not later than eight weeks after the death of the deceased employer.

4. Where, by reason of the death of the deceased employer, the employee is treated for the purposes of this Act as having been dismissed by him, he shall not be entitled to a redundancy payment in respect of that dismissal if a personal representative of the deceased employer has made to him an offer in writing to renew his contract of employment, or to re-engage him under a new contract, so that in accordance with the particulars specified in the offer the renewal or re-engagement would take effect not later than eight weeks after the death of the deceased employer and either—

(a) the provisions of the contract as renewed, or of the new contract, as the case may be, as to the capacity and place in which he would be employed, and as to the other terms and conditions of his employment, would not differ from the corresponding provisions of the contract as in force immediately before the death, or

(b) if, in accordance with the particulars specified in the offer, those provisions would differ (wholly or in part) from the corresponding provisions of the contract as in force immediately before the death, the offer constitutes an offer of suitable employment in relation to the employee,

and (in either case) the employee has unreasonably refused that offer.

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5. For the purposes of paragraph 4 of this Schedule—

- (a) an offer shall not be treated as one whereby the provisions of the contract as renewed, or of the new contract, as the case may be, would differ from the corresponding provisions of the contract as in force immediately before the death of the deceased employer by reason only that the personal representative would be substituted as the employer for the deceased employer, and
- (b) no account shall be taken of that substitution in determining whether the refusal of the offer was unreasonable.

6. Where by virtue of subsection (1) of section 22 of this Act the death of the deceased employer is to be treated as a termination by him of the contract of employment, any reference in subsection (2) of that section to section 3(2) of this Act shall be construed as including a reference to paragraph 3 of this Schedule.

Lay-off and short-time

7. Where the employee has before the death of the deceased employer been laid off or kept on short-time for one or more weeks, but has not given to the deceased employer notice of intention to claim, then if after the death of the deceased employer—

- (a) his contract of employment is renewed, or he is re-engaged under a new contract, as mentioned in sub-paragraphs (a) and (b) of paragraph 3 of this Schedule, and
- (b) after the renewal or re-engagement, he is laid off or kept on short-time for one or more weeks by the personal representative of the deceased employer,

the provisions of sections 6 and 7 of this Act shall apply as if the week in which the deceased employer died and the first week of the employee's employment by the personal representative were consecutive weeks, and any reference in those sections to four weeks or thirteen weeks shall be construed accordingly.

8. The provisions of paragraph 9 or (as the case may be) paragraph 10 of this Schedule shall have effect where the employee has given to the deceased employer notice of intention to claim, and—

- (a) the deceased employer has died before the end of the next four weeks after the service of that notice, and
- (b) the employee has not terminated the contract of employment by notice expiring before the death of the deceased employer.

9. If in the circumstances specified in the last preceding paragraph the employee's contract of employment is not renewed by a personal representative of the deceased employer before the end of the next four weeks after the service of the notice of intention to claim, and he is not re-engaged under a new contract by such a personal representative before the end of those four weeks, subsections (1) to (3) of section 6 and (in relation to subsection (1) of that section) subsections (2) and (3) of section 7 of this Act shall apply as if—

- (a) the deceased employer had not died, and

(b) the employee had terminated the contract of employment by a week's notice (or, if under the contract he is required to give more than a week's notice to terminate the contract, he had terminated it by the minimum notice which he is so required to give) expiring at the end of those four weeks, but subsections (4) and (5) of section 6 and subsections (1) and (4) of section 7 of this Act shall not apply.

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10.—(1) The provisions of this paragraph shall have effect where, in the circumstances specified in paragraph 8 of this Schedule, the employee's contract of employment is renewed by a personal representative of the deceased employer before the end of the next four weeks after the service of the notice of intention to claim, or he is re-engaged under a new contract by such a personal representative before the end of those four weeks, and—

(a) he was laid off or kept on short-time by the deceased employer for one or more of those weeks, and

(b) he is laid off or kept on short-time by the personal representative for the week, or for the next two or more weeks, following the renewal or re-engagement.

(2) Where the conditions specified in the preceding sub-paragraph are fulfilled, sections 6 and 7 of this Act shall apply as if—

(a) all the weeks for which the employee was laid off or kept on short-time as mentioned in the preceding sub-paragraph were consecutive weeks during which he was employed (but laid off or kept on short-time) by the same employer, and

(b) each of the periods specified in paragraphs (a) and (b) of subsection (5) of section 7 of this Act were extended by any week or weeks any part of which was after the death of the deceased employer and before the date on which the renewal or re-engagement took effect.

11. In paragraphs 7 to 10 of this Schedule "week" and "notice of intention to claim" have the same meanings as in section 6 of this Act.

Continuity of period of employment

12. Where by virtue of paragraph 3 of this Schedule the employee is treated as not having been dismissed by reason of a renewal or re-engagement taking effect after the death of the deceased employer, then—

(a) in determining, for the purposes of section 1(1) of this Act, whether he has been continuously employed for the requisite period, the interval between the death and the date on which the renewal or re-engagement takes effect shall count as a period of employment with the personal representative of the deceased employer, if apart from this paragraph it would not count for that purpose as such a period of employment, and

(b) in computing the period specified in paragraph 1 of Schedule 1 to this Act, the continuity of the employee's

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1963 c. 49.

period of employment shall be treated as not being broken by any week which does not count under Schedule 1 to the Contracts of Employment Act 1963, if the whole or part of that week falls within that interval.

13. For the purposes of the application, in accordance with section 19(1) of this Act, of any provisions of this Act in relation to an employee who was employed as a domestic servant in a private household, any reference to a personal representative in—

- (a) this Part of this Schedule, or
- (b) paragraph 10 of Schedule 1 to the Contracts of Employment Act 1963,

shall be construed as including a reference to any person to whom, otherwise than in pursuance of a sale or other disposition for valuable consideration, the management of the household has passed in consequence of the death of the deceased employer.

Supplementary provisions

14. Subject to the preceding provisions of this Part of this Schedule, in relation to an employer who has died—

- (a) any reference in this Act to the doing of anything by, or in relation to, an employer shall be construed as including a reference to the doing of that thing by, or in relation to, any personal representative of the deceased employer, and
- (b) any reference in this Act to a thing required or authorised to be done by, or in relation to, an employer shall be construed as including a reference to anything which, in accordance with any provision of this Act as modified by this Part of this Schedule (including the preceding subparagraph), is required or authorised to be done by, or in relation to, any personal representative of his.

15. Where by virtue of any provision of this Act, as modified by this Part of this Schedule, a personal representative of the deceased employer is liable to pay a redundancy payment, or part of a redundancy payment, and that liability had not accrued before the death of the deceased employer, it shall be treated for all purposes as if it were a liability of the deceased employer which had accrued immediately before his death.

PART II

DEATH OF EMPLOYEE

16. Where an employer has given notice to an employee to terminate his contract of employment, and before that notice expires the employee dies, the provisions of Part I of this Act shall apply as if the contract had been duly terminated by the employer by notice expiring on the date of the employee's death.

17. Where an employer has given notice to an employee to terminate his contract of employment, and has offered to renew his

contract of employment, or to re-engage him under a new contract, then if—

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(a) the employee dies without having either accepted or refused the offer, and

(b) the offer has not been withdrawn before his death,

subsection (3) or (as the case may be) subsection (4) of section 2 of this Act shall apply as if, for the words “the employee has unreasonably refused”, there were substituted the words “it would have been unreasonable on the part of the employee to refuse”.

18.—(1) Where, in the circumstances specified in paragraphs (a) and (b) of subsection (1) of section 4 of this Act, the employee dies before the notice given by him under paragraph (b) of that subsection is due to expire and before the employer has given him notice under subsection (3) of that section, subsection (4) of that section shall apply as if the employer had given him such notice and he had not complied with it.

(2) Where, in the circumstances specified in paragraphs (a) and (b) of subsection (1) of that section, the employee dies before his notice given under paragraph (b) of that subsection is due to expire but after the employer has given him notice under subsection (3) of that section, subsections (3) and (4) of that section shall apply as if the circumstances were that the employee had not died, but did not comply with the last-mentioned notice.

19.—(1) Where an employee has given notice of intention to claim and dies before he has given notice to terminate his contract of employment and before the period allowed for the purposes of subsection (3)(a) of section 6 of this Act has expired, the said subsection (3)(a) shall not apply.

(2) Where an employee, who has given notice of intention to claim, dies within seven days after the service of that notice, and before the employer has given a counter-notice, the provisions of sections 6 and 7 of this Act shall apply as if the employer had given a counter-notice within those seven days.

(3) In this paragraph “notice of intention to claim” and “counter-notice” have the same meanings as in section 7 of this Act.

20. In relation to the making of a claim by a personal representative of a deceased employee who dies before the end of the period of six months beginning with the relevant date, section 21 of this Act shall apply with the substitution, for the words “six months”, of the words “one year”.

21. Subject to the preceding provisions of this Part of this Schedule, in relation to an employee who has died—

(a) any reference in this Act to the doing of anything by, or in relation to, an employee shall be construed as including a reference to the doing of that thing by, or in relation to, any personal representative of the deceased employee, and

SCH. 4

(b) any reference in this Act to a thing required or authorised to be done by, or in relation to, an employee shall be construed as including a reference to anything which, in accordance with any provision of this Act as modified by this Part of this Schedule (including the preceding sub-paragraph), is required or authorised to be done by, or in relation to, any personal representative of his.

22.—(1) Any right of a personal representative of a deceased employee to a redundancy payment, where that right had not accrued before the employee's death, shall devolve as if it had accrued before his death.

(2) In relation to any case where, under any provision contained in Part I of this Act as modified by the preceding provisions of this Part of this Schedule, a tribunal has power to determine that an employer shall be liable to pay to a personal representative of a deceased employee either—

(a) the whole of a redundancy payment to which he would have been entitled apart from another provision therein mentioned, or

(b) such part of such a redundancy payment as the tribunal thinks fit,

any reference in the preceding sub-paragraph to a right to a redundancy payment shall be construed as including a reference to any right to receive the whole or part of a redundancy payment if the tribunal determines that the employer shall be liable to pay it.

Section 30.

SCHEDULE 5

CALCULATION OF REBATES

PART I

REBATES IN RESPECT OF REDUNDANCY PAYMENTS

1. In this Part of this Schedule "rebate" has the same meaning as in Part II of this Act; "year of employment" has the meaning assigned to it by paragraph 9 of Schedule 1 to this Act; and paragraph 5 of that Schedule shall apply for the purposes of this Part of this Schedule as it applies for the purposes of that Schedule.

2. Subject to sections 30(6) and 34 of this Act, and to the following provisions of this Part of this Schedule, the amount of any rebate payable in respect of a redundancy payment shall be calculated by taking the number of years of employment by reference to which the redundancy payment falls to be calculated in accordance with Schedule 1 to this Act, and allowing—

(a) one and one-sixth weeks' pay for each year of employment falling within sub-paragraph (a) of paragraph 2 of that Schedule;

(b) two-thirds of one week's pay for each year of employment falling within sub-paragraph (b) of that paragraph; and

(c) one-third of one week's pay for each year of employment falling within sub-paragraph (c) of that paragraph.

3. Where the amount of the redundancy payment, calculated in accordance with paragraphs 1, 2 and 3 of Schedule 1 to this Act, is reduced by virtue of paragraph 4 of that Schedule, the amount of the rebate shall be seven-ninths of the amount of the redundancy payment as so reduced.

4.—(1) The provisions of this paragraph shall have effect in relation to any case where—

(a) under any provision contained in Part I of this Act a tribunal is empowered to determine that an employer shall be liable to pay to an employee either the whole or part of the redundancy payment to which the employee would have been entitled apart from another provision therein mentioned, and

(b) the tribunal determines that the employer shall be liable to pay part (but not the whole) of that redundancy payment.

(2) There shall be ascertained what proportion that part of the redundancy payment bears to the whole of it (in this paragraph referred to as "the relevant proportion").

(3) There shall also be ascertained what, in accordance with the preceding provisions of this Part of this Schedule, would have been the amount of the rebate payable in respect of that redundancy payment if the employer had been liable to pay the whole of it.

(4) Subject to the next following paragraph, the amount of the rebate payable in that case shall then be an amount equal to the relevant proportion of the amount referred to in the last preceding sub-paragraph.

5. Where the amount of a redundancy payment or part of a redundancy payment is reduced in accordance with regulations made under section 14 of this Act,—

(a) the proportion by which it is so reduced shall be ascertained, and

(b) the amount of any rebate calculated by reference to that payment shall be reduced by that proportion.

PART II

REBATES IN RESPECT OF OTHER PAYMENTS

Introductory

6. The provisions of this Part of this Schedule shall have effect for the purpose of calculating the amount of any rebate payable in respect of an employer's payment which is not a redundancy payment or part of a redundancy payment (in this Part of this Schedule referred to as "the agreed payment").

7. In this Part of this Schedule "rebate" and "employer's payment" have the same meanings as in Part II of this Act; "the agreement", in relation to the agreed payment, means the agreement referred to in paragraph (b) or paragraph (c) of section 30(1) of this

SCH. 5 Act by reference to which that payment is payable ; “ the relevant provisions of the agreement ” means those provisions of the agreement which relate to either of the following matters, that is to say—

- (a) the circumstances in which the continuity of an employee’s period of employment is to be treated as broken, and
- (b) the weeks which are to count in computing a period of employment ;

1963 c. 49. and “ the 1963 Schedule ” means Schedule 1 to the Contracts of Employment Act 1963.

8. In this Part of this Schedule any reference to the amount of the relevant redundancy payment, in relation to the agreed payment, shall be construed as a reference to the amount of the redundancy payment which the employer would have been liable to pay to the employee if—

- (a) the order referred to in paragraph (b) of subsection (1) of section 30 of this Act, or (as the case may be) the order and the award referred to in paragraph (c) of that subsection, had not been made ;
- (b) the circumstances in which the agreed payment is payable had been such that the employer was liable to pay a redundancy payment to the employee in those circumstances ;
- (c) in relation to that redundancy payment, the relevant date had been the date on which the termination of the employee’s contract of employment is treated for the purposes of the agreement as having taken effect ; and
- (d) in so far as the relevant provisions of the agreement are inconsistent with the provisions of the 1963 Schedule as to the matters referred to in sub-paragraphs (a) and (b) of the last preceding paragraph, those provisions of the agreement were substituted for those provisions of the 1963 Schedule ;

and “ the assumed conditions ” means the conditions specified in sub-paragraphs (a) to (d) of this paragraph.

Method of calculation

9. Subject to sections 30(6) and 34 of this Act, and to the following provisions of this Part of this Schedule, the amount of any rebate payable in respect of the agreed payment shall be an amount calculated as follows, that is to say, by taking the number of years of employment by reference to which the amount of the relevant redundancy payment would fall to be calculated in accordance with Schedule 1 to this Act (as that Schedule would have applied if the assumed conditions were fulfilled), and allowing—

- (a) one and one-sixth weeks’ pay for each such year of employment falling within sub-paragraph (a) of paragraph 2 of that Schedule ;
- (b) two-thirds of one week’s pay for each such year of employment falling within sub-paragraph (b) of that paragraph ; and
- (c) one-third of one week’s pay for each such year of employment falling within sub-paragraph (c) of that paragraph.

10. For the purposes of the last preceding paragraph, paragraph 1 of Schedule 1 to this Act shall be construed as if sub-paragraphs (1)(b) and (2) of that paragraph were omitted.

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11. Where the amount of the agreed payment is less than the amount of the relevant redundancy payment—

- (a) the proportion which it bears to the amount of the relevant redundancy payment shall be ascertained, and
- (b) the amount of the rebate shall (except as provided by the next following paragraph) be that proportion of the amount calculated in accordance with the preceding provisions of this Part of this Schedule.

12. Where the amount of the relevant redundancy payment calculated in accordance with paragraphs 1, 2 and 3 of Schedule 1 to this Act would (if the assumed conditions were fulfilled) have been reduced by virtue of paragraph 4 of that Schedule, the amount of the rebate shall be seven-ninths of the amount of the relevant redundancy payment as so reduced.

13. Paragraph 5 of Schedule 1 to this Act shall apply for the purposes of this Part of this Schedule as it applies for the purposes of that Schedule.

SCHEDULE 6

Section 32.

CALCULATION OF PAYMENTS TO EMPLOYEES OUT OF REDUNDANCY FUND

1.—(1) Where the employer's payment is a redundancy payment, the sum referred to in section 32(2) of this Act is a sum equal to the amount of that payment.

(2) Where, in a case falling within section 30(5) of this Act, the employer's payment is part of a redundancy payment, the sum referred to in section 32(2) of this Act is a sum equal to the amount of that part of the payment.

2.—(1) The provisions of this paragraph shall have effect for the purpose of determining the sum referred to in section 32(2) of this Act in relation to an employer's payment which is not a redundancy payment or part of a redundancy payment.

(2) Paragraph 7 of Schedule 5 to this Act (except in so far as it defines "rebate") and paragraph 8 of that Schedule shall have effect for the purposes of this paragraph as they have effect for the purposes of Part II of that Schedule; and in the application of those paragraphs in accordance with this sub-paragraph the employer's payment in relation to which the sum referred to in section 32(2) of this Act falls to be determined shall be taken to be the agreed payment.

(3) In relation to any such employer's payment, the sum in question shall be a sum equal to—

- (a) the amount of the employer's payment, or
- (b) the amount of the relevant redundancy payment,

whichever is the less.

3. In this Schedule "employer's payment" has the same meaning as in Part II of this Act.

Section 44.

SCHEDULE 7

STATUTORY PROVISIONS RELATING TO REFEREES AND BOARDS
OF REFEREES

- 1946 c. 59. 1. Regulations under section 37 of the Coal Industry Nationalisation Act 1946.
- 1946 c. 67. 2. Regulations under section 67 of the National Insurance Act 1946.
- 1946 c. 81. 3. Regulations under section 68 of the National Health Service Act 1946, and orders under section 11(9) or section 31(5) of that Act.
- 1947 c. 27. 4. Regulations under section 67 of the National Health Service (Scotland) Act 1947.
- 1947 c. 41. 5. Regulations under Schedule 5 to the Fire Services Act 1947.
- 1947 c. 49. 6. Regulations under section 101 of the Transport Act 1947.
- 1947 c. 54. 7. Subsections (3) and (5) of section 54 of the Electricity Act 1947, and regulations under section 55 of that Act or under that section as applied by section 27 of the Electricity Act 1957.
- 1957 c. 48. 8. Regulations under section 140 of the Local Government Act 1948, and such regulations as applied by any local Act, whether passed before or after this Act.
- 1948 c. 26. 9. Regulations under subsection (1) or subsection (2) of section 60 of the National Assistance Act 1948.
- 1948 c. 29. 10. Rules under section 3 of the Superannuation (Miscellaneous Provisions) Act 1948.
- 1948 c. 33. 11. Subsections (3) and (5) of section 58 of the Gas Act 1948, and regulations under section 60 of that Act.
- 1948 c. 67. 12. Subsection (4) of section 6 of the Commonwealth Telegraphs Act 1949 and regulations under that section or section 7 of that Act.
- 1949 c. 39. 13. Regulations under section 25 of the Prevention of Damage by Pests Act 1949.
- 1949 c. 55. 14. Regulations under section 42 of the Justices of the Peace Act 1949.
- 1949 c. 101. 15. Regulations under section 27 or section 28 of the Transport Act 1953.
- 1953 c. 13. 16. Regulations under section 24 of the Iron and Steel Act 1953.
- 1953 c. 15. 17. Regulations under section 12 of the Electricity Reorganisation (Scotland) Act 1954.
- 1954 c. 60. 18. Orders under section 23 of the Local Government Act 1958 and regulations under section 60 of that Act.
- 1958 c. 55. 19. Regulations under section 1 of the Water Officers Compensation Act 1960.
- 1960 c. 15. 20. Regulations under section 18(6) of the Land Drainage Act 1961.
- 1961 c. 48. 21. Subsection (6) of section 74 of the Transport Act 1962 and orders under that section, regulations under section 81 of that Act, and paragraph 17(3) of Schedule 7 to that Act.
- 1962 c. 46.

22. Orders under section 84 of the London Government Act 1963 and regulations under section 85 of that Act. SCH. 7
1963 c. 33.
23. Regulations under section 106 of the Water Resources Act 1963 c. 38. 1963 c. 38.

SCHEDULE 8

Section 51.

EMPLOYEES PAID BY PERSON OTHER THAN EMPLOYER

<i>Provision of Act</i>	<i>Reference to be construed as reference to the person responsible for paying the remuneration</i>
Section 1(1)	The second reference to the employer.
Section 4(3)	The reference to the employer in paragraph (b).
Section 4(4)	The last reference to the employer.
Section 6(5)	The reference to the employer.
Section 7(1)	The first reference to the employer.
Section 7(4) and (5)	The references to the employer.
Section 10(2)	The second reference to the employer.
Section 18	The references to the employer.
Section 21	The reference to the employer in paragraph (b).
Section 24(3)	The references to the employer.
Section 30	The references to the employer.
Section 32	The references to the employer.
Section 33(1)	The reference to the employer.
Section 34	The references to the employer.

SCHEDULE 9

Section 59.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1963 c. 49.	The Contracts of Employment Act 1963.	In section 5, subsections (1) to (4). In sub-paragraph (2) of paragraph 7 of Schedule 1, the words from "except" to the end of the sub-paragraph.
1964 c. 16.	The Industrial Training Act 1964.	In subsection (1) of section 12, the words from "and such regulations" to the end of the subsection, and in subsection (3) of that section the words "and to persons giving evidence before such tribunals such allowances".



Public Works Loans Act 1965

1965 CHAPTER 63

An Act to make further provision with respect to loans out of the Local Loans Fund; and for connected purposes. [5th August 1965]

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

Grants for
public works.

1.—(1) There may be issued by the National Debt Commissioners for the purposes of local loans by the Public Works Loan Commissioners (in this Act referred to as “the Loan Commissioners”) any sum or sums not exceeding in the whole the sum of £500 million.

1887 c. 16.

(2) The sums so issued shall be issued during the period beginning with the passing of this Act and ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act 1887.

1946 c. 75.

(3) The period aforesaid shall be an issue period for the purposes of section 2(1) of the Public Works Loans (No. 2) Act 1946 (power of the Loan Commissioners to undertake to grant loans which include loans falling to be advanced after the expiration of the current issue period), but the aggregate of—

(a) the commitments of the Loan Commissioners outstanding at any time during that period in respect of undertakings entered into by them (whether during or before the beginning of that period) to grant local loans; and

(b) the advances in respect of local loans made by the Loan Commissioners during that period up to that time, shall not exceed the sum of £550 million.

2.—(1) The Loan Commissioners may, without first taking security under section 12 of the Public Works Loans Act 1875, enter into an agreement for lending money to a relevant authority under section 9 of that Act; and in this section “relevant authority” means—

- (a) in relation to England and Wales, any authority being, within the meaning of the Local Loans Act 1875, an authority having power to levy a rate; New form of local loan and automatic charge for securing it. 1875 c. 89. 1875 c. 83.
- (b) in relation to Scotland, any local authority within the meaning of the Local Government (Scotland) Act 1947, any other statutory authority or commissioners or trustees having power to levy a rate as defined by section 379 of that Act or to issue a requisition for payment of money to be raised out of such a rate, and any joint board or joint committee of such authorities, commissioners or trustees. 1947 c. 43.

(2) A relevant authority who are authorised to borrow money under Part IX of the Local Government Act 1933 or Part XII of the Local Government (Scotland) Act 1947 may raise the money by means of an agreement to which this section applies in addition to any other means; and—

- (a) section 197 of the said Act of 1933 or, as the case may be section 261 of the said Act of 1947 (creation of an automatic charge to secure local authority borrowings and priority of charges) shall apply accordingly to any money so raised; and
- (b) a reference in any enactment passed before this Act to Part IX or section 196 of the said Act of 1933 or to Part XII or section 260 of the said Act of 1947 shall include a reference to the foregoing provisions of this subsection. 1933 c. 51.

(3) Where the Loan Commissioners make an agreement to which this section applies with a relevant authority other than one authorised to borrow money under Part IX of the said Act of 1933 or Part XII of the said Act of 1947, then, so long as any part of the principal of and interest on the loan remains outstanding, the loan shall be a charge on all the revenues of the authority (including any grants or contributions from the Exchequer which are receivable by the authority).

(4) A charge imposed on an authority's revenues by the last foregoing subsection shall, subject to any provision to the contrary applicable to the charge which has been made by or under any enactment, rank equally with any other charges on those revenues.

(5) The enactments specified in the Schedule to this Act shall have effect subject to the adaptations and modifications set out in that Schedule, being adaptations and modifications consequential on the foregoing provisions of this section; and in that

1933 c. 51.
1947 c. 43.

Schedule "automatic charge" means a charge imposed, for securing a loan made in pursuance of an agreement to which this section applies, by section 197 of the Local Government Act 1933, by section 261 of the Local Government (Scotland) Act 1947 or by subsection (3) of this section.

Payments in lieu of stamp duty in connection with new form of loan.

3.—(1) An agreement to which the last foregoing section applies shall not be chargeable with stamp duty, but the Loan Commissioners shall, at such times as may be agreed between them and the Commissioners of Inland Revenue, deliver to the Commissioners of Inland Revenue periodical accounts of the loans made in pursuance of such agreements and pay over the aggregate of the sums which would have been chargeable by way of stamp duty if each loan had been secured by mortgage by deed, being the only or principal or primary security for that loan.

(2) The Loan Commissioners may recover from any other party to an agreement to which the last foregoing section applies the amount for which those Commissioners are required under the foregoing subsection to account to the Commissioners of Inland Revenue in respect of the loan to which the agreement relates.

Short title, interpretation, extent and commencement.

4.—(1) This Act may be cited as the Public Works Loans Act 1965.

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

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

(4) This Act, except section 1, shall come into operation on the expiration of the period of three months beginning with the passing thereof.

SCHEDULE

Section 2 (5).

ADAPTATIONS AND MODIFICATIONS OF ENACTMENTS

COMMISSIONERS CLAUSES ACT 1847

(10 & 11 Vict. c. 16)

1. Sections 75 and 81, as incorporated with section 46 of the Land Drainage Act 1930 or with any other enactment applicable to a relevant authority within the meaning of section 2 of this Act, shall not apply to an automatic charge.

2. In section 82, as so incorporated, the reference to a mortgage deed shall be construed as including a reference to an agreement to which section 2 of this Act applies.

PUBLIC WORKS LOANS ACT 1875

(38 & 39 Vict. c. 89)

3. In the following provisions, that is to say, sections 8, 29 and 30, any reference to that Act shall include a reference to section 2 of this Act.

4. In section 11 the reference to such security as is required by that Act shall be construed as including a reference to any automatic charge.

5. Section 12 shall not apply to a loan secured by an automatic charge.

6. Section 19 shall, in relation to an automatic charge, have effect as if any reference to the date of the mortgage included a reference to the date of the making of the relevant agreement and as if any reference to interest mentioned in the mortgage included a reference to interest mentioned in the agreement.

7. In section 38 the reference to any security previously given to the Loan Commissioners, and in sections 46 and 50 any reference to a security made or granted under that Act, shall include a reference to an automatic charge in their favour.

LOCAL GOVERNMENT ACT 1933

(23 & 24 Geo. 5. c. 51)

8. In section 197(2) the reference to securities created by a local authority shall include a reference to any automatic charge on the revenues of such an authority.

9. In section 207—

(a) any reference to a mortgage or to a mortgage created under Part IX of that Act shall be construed as including a reference to an automatic charge;

(b) any reference to a deed of mortgage shall include a reference to an agreement to which section 2 of this Act applies;

(c) the reference in subsection (2) to the date of a mortgage shall be construed as including a reference to the date of any such agreement; and

(d) subsections (3) and (5) shall not apply in relation to any automatic charge.

SCH.

LOCAL GOVERNMENT (SCOTLAND) ACT 1947

(10 & 11 Geo. 6. c. 43)

10. Section 268 shall apply to an automatic charge as it applies to a mortgage, but with the following modifications, that is to say:—

- (a) in subsection (2), for the words “Before a mortgage is delivered to the mortgagee” there shall be substituted the words “Within fourteen days of the making of the agreement giving rise to the automatic charge”;
- (b) the reference in paragraph (c) of that subsection to the date of the mortgage shall be construed as a reference to the date of the agreement giving rise to the automatic charge;
- (c) so much of the said subsection as relates to the endorsement of any certificate or receipt on the deed of mortgage shall be omitted; and
- (d) subsections (3) and (7) shall be omitted.



Commons Registration Act 1965

1965 CHAPTER 64

An Act to provide for the registration of common land and of town or village greens; to amend the law as to prescriptive claims to rights of common; and for purposes connected therewith. [5th August 1965]

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

- 1.—(1) There shall be registered, in accordance with the provisions of this Act and subject to the exceptions mentioned therein,—
- (a) land in England or Wales which is common land or a town or village green;
 - (b) rights of common over such land; and
 - (c) persons claiming to be or found to be owners of such land or becoming the owners thereof by virtue of this Act;

Registration of commons and town or village greens and ownership of and rights over them.

and no rights of common over land which is capable of being registered under this Act shall be registered under the Land Registration Acts 1925 and 1936.

(2) After the end of such period, not being less than three years from the commencement of this Act, as the Minister may by order determine—

- (a) no land capable of being registered under this Act shall be deemed to be common land or a town or village green unless it is so registered; and
- (b) no rights of common shall be exercisable over any such land unless they are registered either under this Act or under the Land Registration Acts 1925 and 1936.

(3) Where any land is registered under this Act but no person is registered as the owner thereof under this Act or under the Land Registration Acts 1925 and 1936, it shall—

- (a) if it is a town or village green, be vested in accordance with the following provisions of this Act; and
- (b) if it is common land, be vested as Parliament may hereafter determine.

Registration authorities.

2.—(1) The registration authority for the purposes of this Act shall be—

- (a) in relation to any land situated in any county or county borough, the council of that county or county borough; and
- (b) in relation to any land situated in Greater London, the Greater London Council;

except where an agreement under this section otherwise provides.

(2) Where part of any land is in the area of one registration authority and part in that of another the authorities may by agreement provide for one of them to be the registration authority in relation to the whole of the land.

The registers.

3.—(1) For the purpose of registering such land as is mentioned in section 1(1) of this Act and rights of common over and ownership of such land every registration authority shall maintain—

- (a) a register of common land; and
- (b) a register of town or village greens;

and regulations under this Act may require or authorise a registration authority to note on those registers such other information as may be prescribed.

(2) Any register maintained under this Act shall be open to inspection by the public at all reasonable times.

Provisional registration.

4.—(1) Subject to the provisions of this section, a registration authority shall register any land as common land or a town or village green or, as the case may be, any rights of common over or ownership of such land, on application duly made to it and accompanied by such declaration and such other documents (if any) as may be prescribed for the purpose of verification or of proving compliance with any prescribed conditions.

(2) An application for the registration of any land as common land or as a town or village green may be made by any person, and a registration authority—

- (a) may so register any land notwithstanding that no application for that registration has been made, and

(b) shall so register any land in any case where it registers any rights over it under this section.

(3) No person shall be registered under this section as the owner of any land which is registered under the Land Registration Acts 1925 and 1936 and no person shall be registered under this section as the owner of any other land unless the land itself is registered under this section.

(4) Where, in pursuance of an application under this section, any land would fall to be registered as common land or as a town or village green, but the land is already so registered, the registration authority shall not register it again but shall note the application in the register.

(5) A registration under this section shall be provisional only until it has become final under the following provisions of this Act.

(6) An application for registration under this section shall not be entertained if made after such date, not less than three years from the commencement of this Act, as the Minister may by order specify; and different dates may be so specified for different classes of applications.

(7) Every local authority shall take such steps as may be prescribed for informing the public of the period within which and the manner in which applications for registration under this section may be made.

5.—(1) A registration authority shall give such notices and take such other steps as may be prescribed for informing the public of any registration made by it under section 4 of this Act, of the times and places where copies of the relevant entries in the register may be inspected and of the period during which and the manner in which objections to the registration may be made to the authority.

Notification of, and objections to, registration.

(2) The period during which objections to any registration under section 4 of this Act may be made shall be such period, ending not less than two years after the date of the registration, as may be prescribed.

(3) Where any land or rights over land are registered under section 4 of this Act but no person is so registered as the owner of the land the registration authority may, if it thinks fit, make an objection to the registration notwithstanding that it has no interest in the land.

(4) Where an objection to a registration under section 4 of this Act is made, the registration authority shall note the objection on the register and shall give such notice as may

be prescribed to the person (if any) on whose application the registration was made and to any person whose application is noted under section 4(4) of this Act.

(5) Where a person to whom notice has been given under subsection (4) of this section so requests or where the registration was made otherwise than on the application of any person, the registration authority may, if it thinks fit, cancel or modify a registration to which objection is made under this section.

(6) Where such an objection is made, then, unless the objection is withdrawn or the registration cancelled before the end of such period as may be prescribed, the registration authority shall refer the matter to a Commons Commissioner.

(7) An objection to the registration of any land as common land or as a town or village green shall be treated for the purposes of this Act as being also an objection to any registration (whenever made) under section 4 of this Act of any rights over the land.

(8) A registration authority shall take such steps as may be prescribed for informing the public of any objection which they have noted on the register under this section and of the times and places where copies of the relevant entries in the register may be inspected.

(9) Where regulations under this Act require copies of any entries in a register to be sent by the registration authority to another local authority they may require that other authority to make the copies available for inspection in such manner as may be prescribed.

Disposal of
disputed
claims.

6.—(1) The Commons Commissioner to whom any matter has been referred under section 5 of this Act shall inquire into it and shall either confirm the registration, with or without modifications, or refuse to confirm it; and the registration shall, if it is confirmed, become final, and, if the confirmation is refused, become void—

(a) if no appeal is brought against the confirmation or refusal, at the end of the period during which such an appeal could have been brought;

(b) if such an appeal is brought, when it is finally disposed of.

(2) On being informed in the prescribed manner that a registration has become final (with or without modifications) or has become void a registration authority shall indicate that fact in the prescribed manner in the register and, if it has become void, cancel the registration.

(3) Where the registration of any land as common land or as a town or village green is cancelled (whether under this section or under section 5(5) of this Act) the registration authority shall also cancel the registration of any person as the owner thereof.

7.—(1) If no objection is made to a registration under section 4 of this Act or if all objections made to such a registration are withdrawn the registration shall become final at the end of the period during which such objections could have been made under section 5 of this Act or, if an objection made during that period is withdrawn after the end thereof, at the date of the withdrawal.

Finality of
undisputed
registrations.

(2) Where by virtue of this section a registration has become final the registration authority shall indicate that fact in the prescribed manner in the register.

8.—(1) Where the registration under section 4 of this Act of any land as common land or as a town or village green has become final but no person is registered under that section as the owner of the land, then, unless the land is registered under the Land Registration Acts 1925 and 1936, the registration authority shall refer the question of the ownership of the land to a Commons Commissioner.

Vesting of
unclaimed
land.

(2) After the registration authority has given such notices as may be prescribed, the Commons Commissioner shall inquire into the matter and shall, if satisfied that any person is the owner of the land, direct the registration authority to register that person accordingly; and the registration authority shall comply with the direction.

(3) If the Commons Commissioner is not so satisfied and the land is a town or village green he shall direct the registration authority to register as the owner of the land the local authority specified in subsection (5) of this section; and the registration authority shall comply with the direction.

(4) On the registration under this section of a local authority as the owner of any land the land shall vest in that local authority and, if the land is not regulated by a scheme under the Commons Act 1899, sections 10 and 15 of the Open Spaces Act 1906 (power to manage and make byelaws) shall apply in relation to it as if that local authority had acquired the ownership under the said Act of 1906.

1899 c. 30.
1906 c. 25.

(5) The local authority in which any land is to be vested under this section is—

- (a) if the land is in a borough or urban district, the council of the borough or urban district;
- (b) if the land is in a rural district, the council of the district, except in a case falling within paragraph (c) of this subsection;
- (c) if the land is in a rural parish which has a parish council, that council, but, if the land is regulated by a scheme under the Commons Act 1899, only if the powers of management under Part I of that Act have been delegated to the parish council.

Protection of
unclaimed
common land.

9. Where the registration under section 4 of this Act of any land as common land has become final but no person is registered under this Act or the Land Registration Acts 1925 and 1936 as the owner of the land, then, until the land is vested under any provision hereafter made by Parliament, any local authority in whose area the land or part of the land is situated may take such steps for the protection of the land against unlawful interference as could be taken by an owner in possession of the land, and may (without prejudice to any power exercisable apart from this section) institute proceedings for any offence committed in respect of the land.

Effect of
registration.

10. The registration under this Act of any land as common land or as a town or village green, or of any rights of common over any such land, shall be conclusive evidence of the matters registered, as at the date of registration, except where the registration is provisional only.

Exemption
from
registration.

11.—(1) The foregoing provisions of this Act shall not apply to the New Forest or Epping Forest nor to any land exempted from those provisions by an order of the Minister, and shall not be taken to apply to the Forest of Dean.

(2) The Minister shall not make an order under this section except on an application made to him before such date as may be prescribed.

(3) The Minister shall not make an order under this section with respect to any land unless it appears to him—

1899 c. 30.

(a) that the land is regulated by a scheme under the Commons Act 1899 or the Metropolitan Commons Acts 1866 to 1898 or is regulated under a local Act or under an Act confirming a provisional order made under the Commons Act 1876; and

1876 c. 56.

(b) that no rights of common have been exercised over the land for at least thirty years and that the owner of the land is known.

(4) The Minister shall, before dealing with any application under this section, send copies thereof to the registration authority and to such other local authorities as may be prescribed, and shall inform those authorities whether he has granted or refused the application; and those authorities shall take such steps as may be prescribed for informing the public of the application and its grant or refusal.

(5) If any question arises under this Act whether any land is part of the forests mentioned in subsection (1) of this section it shall be referred to and decided by the Minister.

12. The following provisions shall have effect with respect to the registration under the Land Registration Acts 1925 and 1936 of any land after the ownership of the land has been registered under this Act, that is to say—

- (a) section 123 of the Land Registration Act 1925 (compulsory registration of title on sale) shall have effect in relation to the land whether or not the land is situated in an area in which an Order in Council under section 120 of that Act is for the time being in force, unless the registration under this Act is provisional only; and
- (b) if the registration authority is notified by the Chief Land Registrar that the land has been registered under the Land Registration Acts 1925 and 1936 the authority shall delete the registration of the ownership under this Act and indicate in the register in the prescribed manner that it has been registered under those Acts.

13. Regulations under this Act shall provide for the amendment of the registers maintained under this Act where—

- (a) any land registered under this Act ceases to be common land or a town or village green; or
- (b) any land becomes common land or a town or village green; or
- (c) any rights registered under this Act are apportioned, extinguished or released, or are varied or transferred in such circumstances as may be prescribed;

and may exclude or modify the application of section 14 of the Yorkshire Registries Act 1884 (priority of assurances) with respect to matters capable of being registered under this Act.

14. The High Court may order a register maintained under this Act to be amended if—

- (a) the registration under this Act of any land or rights of common has become final and the court is satisfied that any person was induced by fraud to withdraw an objection to the registration or to refrain from making such an objection; or
- (b) the register has been amended in pursuance of section 13 of this Act and it appears to the court that no amendment or a different amendment ought to have been made and that the error cannot be corrected in pursuance of regulations made under this Act;

and, in either case, the court deems it just to rectify the register.

15.—(1) Where a right of common consists of or includes a right, not limited by number, to graze animals or animals of any class, it shall for the purposes of registration under this Act be treated as a right of common consisting of or including a right of certain grazing rights.

Act be treated as exercisable in relation to no more animals, or animals of that class, than a definite number.

(2) Any application for the registration of such a right shall state the number of animals to be entered in the register or, as the case may be, the numbers of animals of different classes to be so entered.

(3) When the registration of such a right has become final the right shall accordingly be exercisable in relation to animals not exceeding the number or numbers registered or such other number or numbers as Parliament may hereafter determine.

Disregard
of certain
interruptions
in prescriptive
claims to
rights of
common.

16.—(1) Where during any period a right of common claimed over any land was not exercised, but during the whole or part of that period either—

(a) the land was requisitioned ; or

(b) where the right claimed is a right to graze animals, the right could not be or was not exercised for reasons of animal health ;

that period or part shall be left out of account, both—

1832 c. 71.

(i) in determining for the purposes of the Prescription Act 1832 whether there was an interruption within the meaning of that Act of the actual enjoyment of the right ; and

(ii) in computing the period of thirty or sixty years mentioned in section 1 of that Act.

(2) For the purposes of the said Act any objection under this Act to the registration of a right of common shall be deemed to be such a suit or action as is referred to in section 4 of that Act.

1939 c. 62.

1945 c. 43.

(3) In this section “ requisitioned ” means in the possession of a Government department in the exercise or purported exercise of powers conferred by regulations made under the Emergency Powers (Defence) Act 1939 or by Part VI of the Requisitioned Land and War Works Act 1945 ; and in determining in any proceedings any question arising under this section whether any land was requisitioned during any period a document purporting to be a certificate to that effect issued by a Government department shall be admissible in evidence.

(4) Where it is necessary for the purposes of this section to establish that a right to graze animals on any land could not be or was not exercised for reasons of animal health it shall be sufficient to prove either—

1950 c. 36.

(a) that the movement of the animals to that land was prohibited or restricted by or under the Diseases of Animals Act 1950 or any enactment repealed by that Act ; or

- (b) that the land was not, but some other land was, approved for grazing under any scheme in force under that Act or any such enactment and the animals were registered, or were undergoing tests with a view to registration, under the scheme.

17.—(1) The Lord Chancellor shall—

Commons
Commissioners
and assessors.

- (a) appoint to be Commons Commissioners such number of barristers or solicitors of not less than seven years standing as he may determine; and
- (b) draw up and from time to time revise a panel of assessors to assist the Commons Commissioners in dealing with cases calling for special knowledge;

and shall appoint one of the Commons Commissioners to be Chief Commons Commissioner.

(2) Any matter referred under this Act to a Commons Commissioner shall be dealt with by such one of the Commissioners as the Chief Commons Commissioner may determine, and that Commissioner may sit with an assessor selected by the Chief Commons Commissioner from the panel appointed under this section.

(3) If at any time the Chief Commons Commissioner is for any reason unable to act, the Lord Chancellor may appoint another Commons Commissioner to act in his stead.

(4) A Commons Commissioner may order any party to any proceedings before him to pay to any other party to the proceedings any costs incurred by that party in respect of the proceedings; and any costs so awarded shall be taxed in the county court according to such of the scales prescribed by county court rules for proceedings in the county court as may be directed by the order, but subject to any modifications specified in the direction, or, if the order gives no direction, by the county court, and shall be recoverable in like manner as costs awarded in the county court.

(5) The Minister shall pay to the Commons Commissioners and assessors appointed under this section such fees and such travelling and other allowances as the Minister may, with the approval of the Treasury, determine, and shall provide the Commons Commissioners with such services and facilities as appear to him required for the discharge of their functions.

18.—(1) Any person aggrieved by the decision of a Commons Commissioner as being erroneous in point of law may, within such time as may be limited by rules of court, require the Commissioner to state a case for the decision of the High Court.

Appeals from
Commons
Commis-
sioners.

(2) So much of section 63(1) of the Supreme Court of Judicature (Consolidation) Act 1925 as requires appeals to the High Court to be heard and determined by a Divisional Court shall not apply to an appeal by way of case stated under this section, but no appeal to the Court of Appeal shall be brought against the decision of the High Court in such a case except with the leave of that Court or the Court of Appeal.

1925 c. 49.

Regulations.

19.—(1) The Minister may make regulations—

- (a) for prescribing the form of the registers to be maintained under this Act and of any applications and objections to be made and notices and certificates to be given thereunder ;
- (b) for regulating the procedure of registration authorities in dealing with applications for registration and with objections ;
- (c) for prescribing the steps to be taken by registration authorities for the information of other local authorities and of the public in cases where registrations are cancelled or modified ;
- (d) for requiring registration authorities to supply by post, on payment of such fee as may be prescribed, such information relating to the entries in the registers kept by them as may be prescribed ;
- (e) for regulating the procedure of the Commons Commissioners and, in particular, for providing for the summoning of persons to attend and give evidence and produce documents and for authorising the administration of oaths, and for enabling any inquiry or proceedings begun by or before one Commons Commissioner to be continued by or before another ;
- (f) for enabling an application for the registration of rights of common attached to any land to be made either by the landlord or by the tenant and for regulating the procedure where such an application is made by both ;
- (g) for enabling the Church Commissioners to act with respect to any land or rights belonging to an ecclesiastical benefice of the Church of England which is vacant ;
- (h) for treating any registration conflicting with another registration as an objection to the other registration ;
- (i) for requiring, before applications for registration are entertained, the taking of such steps as may be specified in the regulations for the information of persons having interests in any land affected by the registration ;

- (j) for the correction of errors and omissions in the registers ;
- (k) for prescribing anything required or authorised to be prescribed by this Act.

(2) The regulations may make provision for the preparation of maps to accompany applications for registration and the preparation, as part of the registers, of maps showing any land registered therein and any land to which rights of common registered therein are attached, and for requiring registration authorities to deposit copies of such maps with such Government departments and other authorities as may be prescribed.

(3) The regulations may prescribe the payment of a fee not exceeding five pounds on an application made after the end of such period as may be specified in the regulations.

(4) The regulations may make different provision with respect to different circumstances.

(5) Regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

20.—(1) Any order made by the Minister under any provision of this Act may be varied or revoked by subsequent order made thereunder. Orders.

(2) Any such order, other than an order made under section 11 of this Act, shall be made by statutory instrument.

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

21.—(1) Section 1(2) of this Act shall not affect the application to any land registered under this Act of section 193 or section 194 of the Law of Property Act 1925 (rights of access to, and restriction on inclosure of, land over which rights of common are exercisable). Savings.

(2) Section 10 of this Act shall not apply for the purpose of deciding whether any land forms part of a highway.

22.—(1) In this Act, unless the context otherwise requires,— Interpretation.
“ common land ” means—

(a) land subject to rights of common (as defined in this Act) whether those rights are exercisable at all times or only during limited periods ;

(b) waste land of a manor not subject to rights of common ;

but does not include a town or village green or any land which forms part of a highway ;

- “ land ” includes land covered with water ;
- “ local authority ” means the Greater London Council, the council of a county, county borough, London borough or county district, the council of a parish or the council of a borough included in a rural district ;
- “ the Minister ” means the Minister of Land and Natural Resources ;
- “ prescribed ” means prescribed by regulations under this Act ;
- “ registration ” includes an entry in the register made in pursuance of section 13 of this Act ;
- “ rights of common ” includes cattlegates or beastgates (by whatever name known) and rights of sole or several vesture or herbage or of sole or several pasture, but does not include rights held for a term of years or from year to year ;
- “ town or village green ” means land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality or on which the inhabitants of any locality have a customary right to indulge in lawful sports and pastimes or on which the inhabitants of any locality have indulged in such sports and pastimes as of right for not less than twenty years.

(2) References in this Act to the ownership and the owner of any land are references to the ownership of a legal estate in fee simple in any land and to the person holding that estate, and references to land registered under the Land Registration Acts 1925 and 1936 are references to land the fee simple of which is so registered.

Application
to Crown.

23.—(1) This Act shall apply in relation to land in which there is a Crown or Duchy interest as it applies in relation to land in which there is no such interest.

(2) In this section “ Crown or Duchy interest ” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a Government department, or held in trust for Her Majesty for the purposes of a Government department.

Expenses.

24. There shall be defrayed out of moneys provided by Parliament any expenses of the Minister under this Act and any increase attributable to this Act in the sums payable under any other Act out of moneys so provided.

25.—(1) This Act may be cited as the Commons Registration Act 1965. Short title,
commence-
ment and
extent.

(2) This Act shall come into force on such day as the Minister may by order appoint, and different days may be so appointed for different purposes; and any reference in any provision to the commencement of this Act is a reference to the date on which that provision comes into force.

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



International Monetary Fund Act 1965

1965 CHAPTER 65

An Act to enable effect to be given to proposed increases in the quotas of the International Monetary Fund.

[5th August 1965]

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

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

Financing
of United
Kingdom
subscriptions.

1.—(1) There shall be paid out of the Consolidated Fund of the United Kingdom the sums required for the purpose of paying subscriptions to the International Monetary Fund equal to the proposed increase of the quota of the United Kingdom, that is to say, subscriptions equivalent to four hundred and ninety million United States dollars.

1939 c. 117.

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

Short title.

2. This Act may be cited as the International Monetary Fund Act 1965.



Hire-Purchase Act 1965

1965 CHAPTER 66

An Act to consolidate certain enactments relating to hire-purchase, credit-sale and conditional sale agreements in England and Wales; with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [5th August 1965]

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

PART I

AGREEMENTS TO WHICH PARTS II, III AND IV OF ACT APPLY

- 1.—(1) In this Act (subject to the following provisions of this Part of this Act)—
- “hire-purchase agreement” means an agreement for the bailment of goods under which the bailee may buy the goods, or under which the property in the goods will or may pass to the bailee ;
- “credit-sale agreement” means an agreement for the sale of goods under which the purchase price is payable by five or more instalments, not being a conditional sale agreement ;
- “conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled.
- Meaning of “hire-purchase agreement”, “credit-sale agreement” and “conditional sale agreement”.

PART I

(2) Where by virtue of two or more agreements, none of which by itself constitutes a hire-purchase agreement as defined by the preceding subsection, there is a bailment of goods and either the bailee may buy the goods, or the property therein will or may pass to the bailee, the agreements shall be treated for the purposes of this Act as a single agreement made at the time when the last of the agreements was made.

Limits of value for purposes of Parts II, III and IV.

2.—(1) Subject to the following provisions of this Part of this Act, references in Parts II, III and IV of this Act to hire-purchase agreements and to conditional sale agreements, and references in Part II of this Act to credit-sale agreements, shall be construed in accordance with the following provisions of this section.

(2) References in Parts II, III and IV of this Act to a hire-purchase agreement or a conditional sale agreement shall be construed respectively as references to a hire-purchase agreement (as defined by the preceding section) or a conditional sale agreement (as so defined) under which the hire-purchase price or total purchase price, as the case may be, does not exceed £2,000.

(3) In Part II of this Act, except in any provision to which the next following subsection applies, any reference to a credit-sale agreement shall be construed as a reference to a credit-sale agreement (as defined by the preceding section) under which the total purchase price—

- (a) exceeds £30, but
- (b) does not exceed £2,000.

(4) In any provision of Part II of this Act to which this subsection is expressed to apply, any reference to a credit-sale agreement shall be construed as a reference to a credit-sale agreement (as defined by the preceding section) under which the total purchase price does not exceed £2,000.

Power to increase upper limit of value.

3.—(1) If it appears to Her Majesty in Council that the limit specified in subsections (2), (3)(b) and (4) of section 2 of this Act (whether as originally enacted or as previously amended under this section) should be raised, or further raised, as the case may be, Her Majesty may by Order in Council direct that section 2 of this Act shall be amended or further amended so as to substitute, for the sum so specified, such larger sum as may be specified in the Order.

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

(3) Any Order in Council made under this section may be revoked by a subsequent Order in Council under this section which substitutes a larger sum for the sum specified in the Order which is thereby revoked.

PART I

4. Notwithstanding anything in section 2 of this Act, references in Parts II, III and IV of this Act to hire-purchase agreements and to conditional sale agreements, and references in Part II of this Act to credit-sale agreements, do not include any agreement which is made by or on behalf of a body corporate (whether incorporated in the United Kingdom or elsewhere) as the hirer or buyer of the goods to which the agreement relates.

Exclusion of certain agreements from Parts II, III and IV.

PART II

GENERAL PROVISIONS

Requirements in connection with making agreements

5.—(1) Where goods are let under a hire-purchase agreement, or are sold, or agreed to be sold, under a credit-sale agreement or a conditional sale agreement, then (subject to the exercise of any power of the court under section 10 of this Act) the owner or seller shall not be entitled to enforce the agreement unless—

Enforcement conditional on compliance with specified requirements.

(a) the agreement is signed by the hirer or buyer, and by or on behalf of all other parties to the agreement, and

(b) the requirements of sections 6 and 7 of this Act, and the requirements of section 8 or (as the case may be) section 9 of this Act, are complied with.

(2) Where by virtue of the preceding subsection the owner or seller is not entitled to enforce an agreement—

(a) he shall not be entitled to enforce any contract of guarantee relating to that agreement;

(b) no security given by the hirer or buyer in respect of money payable under the agreement, or given by a guarantor in respect of money payable under a contract of guarantee relating to the agreement, shall be enforceable against the hirer or buyer, or against the guarantor, as the case may be, by the holder of such a security; and

(c) if it is a hire-purchase agreement or a conditional sale agreement, the owner or seller shall not be entitled to enforce any right to recover the goods from the hirer or buyer.

PART II
Requirements
as to cash
price.

6.—(1) The requirements of this section, in relation to an agreement, are that, before the agreement is made,—

- (a) the cash price of the goods has been stated in writing to the hirer or buyer by the owner or seller, otherwise than in the agreement, or
- (b) if the hirer or buyer has inspected the goods or like goods, then, at the time of his inspection, tickets or labels were attached to or displayed with the goods clearly stating the cash price, either of the goods as a whole or of all the different articles or sets of articles comprised therein, or
- (c) the hirer or buyer has selected the goods by reference to a catalogue, price list or advertisement which clearly stated the cash price, either of the goods as a whole or of all the different articles or sets of articles comprised therein.

(2) In this Part of this Act “cash price”, in relation to any goods, means the price at which the goods may be purchased by the hirer or buyer for cash.

Requirements
as to contents
and form of
agreements.

7.—(1) The requirements of this section, in relation to an agreement, are that—

- (a) the agreement contains a statement of the hire-purchase price or total purchase price, as the case may be, and of the cash price of the goods to which the agreement relates, and of the amount of each instalment by which the hire-purchase price or total purchase price is to be paid, and of the date, or the mode of determining the date, on which each instalment is payable;
- (b) the agreement contains a list of the goods to which the agreement relates sufficient to identify them;
- (c) the agreement, at the time when it is signed by the hirer or buyer, complies with the requirements of any regulations made under subsection (2) of this section;
- (d) the agreement complies with the requirements of any regulations made under section 32 of this Act; and
- (e) if it is a hire-purchase agreement or a conditional sale agreement, it contains a notice, which is at least as prominent as the rest of the contents of the agreement, in the terms set out in Schedule 1 or (as the case may be) Schedule 2 to this Act.

(2) The Board of Trade may by regulations provide that, in any document which, on being signed as mentioned in section 5(1)(a) of this Act, constitutes a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, the

signature of the hirer or buyer shall be inserted in a space marked in such manner, and accompanied in the document by such words, as may be specified in the regulations; and the regulations may include provision as to the location of those words in relation to the space in which the signature is inserted, and may prescribe such other requirements (whether as to type, size, colour or disposition of lettering or otherwise) as the Board may consider appropriate for securing that the words come to the attention of the hirer or buyer at the time when he is about to sign the document.

8.—(1) The requirements of this section, in relation to an agreement which is signed by the hirer or buyer at appropriate trade premises, are that copies are delivered or sent to the hirer or buyer in accordance with the following provisions of this section.

Requirements as to copies where hirer or buyer signs at appropriate trade premises.

(2) If either—

- (a) the agreement is signed by or on behalf of all other parties immediately after it is signed by the hirer or buyer, and a copy of the agreement is there and then delivered to him, or
- (b) the agreement having been signed by or on behalf of all other parties before it is signed by the hirer or buyer, a copy of the agreement is delivered to him immediately after he signs the agreement,

and (in either case) the copy so delivered complies with the requirements of any regulations made under section 32 of this Act, the delivery of that copy shall be taken to have fulfilled the requirements of this section in relation to that agreement.

(3) If, in a case not falling within paragraph (a) or paragraph (b) of the last preceding subsection,—

(a) either—

- (i) the relevant document was presented, and not sent, to the hirer or buyer for his signature, and immediately after he signed it there was delivered to him a copy of that document in the form in which it then was, or
- (ii) the relevant document was sent to the hirer for his signature, and at the time when it was sent there was also sent to him a copy of that document in the form in which it then was, and

(b) in either case, a copy of the agreement is delivered or sent to the hirer or buyer within seven days of the making of the agreement,

then, if each copy delivered or sent to the hirer or buyer as mentioned in paragraph (a) or paragraph (b) of this subsection

PART II complies with the requirements of any regulations made under section 32 of this Act, the delivery or sending of those copies shall be taken to have fulfilled the requirements of this section in relation to that agreement.

(4) In this and the next following section "the relevant document" means the document which, on being signed by the hirer or buyer and by or on behalf of all other parties to the agreement, became the hire-purchase agreement, credit-sale agreement or conditional sale agreement, as the case may be.

Requirements as to copies where hirer or buyer signs elsewhere than at appropriate trade premises.

9.—(1) The requirements of this section, in relation to an agreement which is signed by the hirer or buyer at a place other than appropriate trade premises, are that copies are delivered or sent to the hirer or buyer in accordance with the following provisions of this section.

(2) A copy of the relevant document (in this Part of this Act referred to as "the first statutory copy") must be delivered or sent to the hirer or buyer as follows, that is to say—

- (a) if the relevant document is presented, and not sent, to the hirer or buyer for his signature, a copy of that document, in the form in which it then is, must be delivered to him immediately after he signs it;
- (b) if the relevant document is sent to the hirer or buyer for his signature, a copy of that document, in the form in which it then is, must be sent to him at the time when that document is sent.

(3) Within seven days of the making of the agreement, a copy of the agreement (in this Part of this Act referred to as "the second statutory copy") must be sent by post to the hirer or buyer.

(4) The first statutory copy and the second statutory copy must each contain such a statement of the rights of the hirer or buyer under section 11 of this Act, and of matters relating to or consequential upon the exercise of those rights, as may be prescribed by regulations made by the Board of Trade; and that statement must be so contained in such position, and must comply with such other requirements (whether as to type, size, colour or disposition of lettering or otherwise) as may be so prescribed.

(5) Any statement which, in accordance with regulations made under the last preceding subsection, is contained either in the first statutory copy or in the second statutory copy must specify the name of a person to whom, and an address to which, notice of cancellation may be sent; and (without prejudice to any other respect in which, in accordance with

section 57(3) of this Act, the regulations may make different provision as between the first statutory copy and the second statutory copy, or as between copies delivered and copies sent) different names and addresses may be so specified in the first statutory copy and the second statutory copy of the same document.

(6) The first statutory copy and the second statutory copy must each comply with the requirements of any regulations made under section 32 of this Act.

10.—(1) Subject to the following provisions of this section, if in any action the court is satisfied that a failure to comply with any of the requirements specified in sections 6 to 9 of this Act has not prejudiced the hirer or buyer, and that it would be just and equitable to dispense with the requirement, the court may, subject to any conditions that it thinks fit to impose, dispense with that requirement for the purposes of the action.

Power of court to dispense with requirements of sections 6 to 9.

(2) The power conferred by the preceding subsection shall not be exercisable in relation to the requirement specified in section 9(3) of this Act except where the second statutory copy has been sent to the hirer or buyer but not within the period of seven days of the making of the agreement.

(3) The power conferred by subsection (1) of this section shall not be exercisable in relation to the requirement imposed by section 9(4) of this Act.

(4) For the avoidance of doubt it is hereby declared that in subsection (1) of this section the reference to the requirements specified in sections 6 to 9 of this Act includes the requirements of any regulations made under section 32 of this Act, in so far as any such requirements relate to hire-purchase agreements, credit-sale agreements and conditional sale agreements, or to copies delivered or sent as mentioned in section 8 or section 9 of this Act.

Right of cancellation

11.—(1) The provisions of this section shall have effect where a person (in this section referred to as “the prospective hirer or buyer”) signs a document (in this section referred to as “the relevant document”) which—

Notice of cancellation.

(a) constitutes a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, or

(b) would constitute such an agreement if executed by or on behalf of another person as owner or seller of the goods to which it relates,

and (in either case) the relevant document is signed by the prospective hirer or buyer at a place other than appropriate trade premises.

PART II

(2) At any time after he has signed the relevant document and before the end of the period of four days beginning with the day on which he receives the second statutory copy, the prospective hirer or buyer may serve a notice under this section (in this Act referred to as a "notice of cancellation")—

(a) on the owner or seller, or

(b) on any person who (whether by virtue of section 12(3) of this Act or otherwise) is the agent of the owner or seller for the purpose of receiving such a notice.

(3) A notice of cancellation served as mentioned in the last preceding subsection shall have effect if, however expressed, it indicates the intention of the prospective hirer or buyer to withdraw from the transaction to which the relevant document relates.

(4) Where the prospective hirer or buyer serves a notice of cancellation, then—

(a) if, at the time when that notice is served, the relevant document constitutes a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, the service of the notice shall operate so as to rescind that agreement ;

(b) in any other case, the service of the notice shall operate as a withdrawal of any offer to enter into such an agreement which is contained in, or implied by, the relevant document, and as notice to the owner or seller that any such offer is withdrawn.

(5) In this section "owner or seller", in relation to the relevant document, means the person who, at the time when the document is signed by the prospective hirer or buyer, is specified in the document as the person who is to let the goods on hire to him or to sell the goods to him, as the case may be:

Provided that, if no person is so specified at that time, any person by whom, or on whose behalf, the document is executed at any subsequent time, and who is then specified in the document as the person letting or selling the goods, shall for the purposes of this section be deemed to be, and at all material times to have been, the owner or seller in relation to that document.

(6) In sections 12 to 15 of this Act "the prospective hirer or buyer", "the relevant document" and "owner or seller" have the same meanings as in this section.

Service of
notice of
cancellation.

12.—(1) For the purposes of section 11 of this Act a notice of cancellation—

(a) shall be deemed to be served on the owner or seller if it is sent by post addressed to a person specified in a statement contained either in the first statutory

copy or in the second statutory copy of the relevant document as being a person to whom such a notice may be sent, and is addressed to that person at an address so specified, and

(b) where the preceding paragraph applies, shall be deemed to be served on the owner or seller at the time when it is posted.

(2) The preceding subsection shall have effect without prejudice to the service of a notice of cancellation (whether by post or otherwise) in any way in which the notice could be served apart from that subsection, whether the notice is served on the owner or seller or on a person who (whether by virtue of the next following subsection or otherwise) is the agent of the owner or seller for the purpose of receiving such a notice.

(3) Any person who conducted any antecedent negotiations, but is not the owner or seller, shall be deemed to be the agent of the owner or seller for the purpose of receiving any notice of cancellation served by the prospective hirer or buyer.

(4) A notice of cancellation which is sent by post to a person at his proper address, otherwise than in accordance with subsection (1) of this section, shall be deemed to be served on him at the time when it is posted.

(5) So much of section 26 of the Interpretation Act 1889 1889 c. 63. as relates to the time when service is deemed to have been effected shall not apply to a notice of cancellation.

13.—(1) The provisions of this section shall have effect where a notice of cancellation is served, and at any time, whether before or after the service of that notice, any of the goods to which the relevant document relates are in the possession of the prospective hirer or buyer, having come into his possession in consequence, or in anticipation, of his signing that document. Re-delivery, and interim care, of goods comprised in notice of cancellation.

(2) The prospective hirer or buyer shall not be under any obligation (whether arising by contract or otherwise) to deliver the goods except at his own premises and in pursuance of a request in writing signed by or on behalf of the person entitled to possession of the goods and served on the prospective hirer or buyer either before, or at the time when, the goods are collected from his premises; and any such obligation shall be subject to any lien, or other right to retain the goods, which he may have under section 14(2) or section 15(3) of this Act.

(3) If the prospective hirer or buyer—

(a) delivers the goods (whether at his own premises or elsewhere) to an authorised person, or to a person designated for the purpose by an authorised person, or

PART II

(b) sends the goods at his own expense to an authorised person,

he shall be taken to have done so with the consent of that authorised person and (if that person is not for the time being entitled to possession of the goods) with the consent of the person who is so entitled, and shall be discharged from any obligation (whether arising by contract or otherwise) to retain the goods or to deliver them to any person so entitled.

(4) Subject to the following provisions of this section, the prospective hirer or buyer shall be under an obligation to take reasonable care of the goods until the end of the period of twenty-one days beginning with the date of service of the notice of cancellation.

(5) Where the prospective hirer or buyer delivers the goods as mentioned in paragraph (a) of subsection (3) of this section, his obligation to take care of the goods shall thereupon cease; and if he sends the goods to an authorised person as mentioned in paragraph (b) of that subsection, he shall be under an obligation to take reasonable care to see that they are received by that person and are not damaged in transit to him, but in other respects his obligation to take care of the goods shall cease on his sending the goods to that person.

(6) Where, at any time during the period of twenty-one days mentioned in subsection (4) of this section, the prospective hirer or buyer receives such a request as is mentioned in subsection (2) of this section, and unreasonably refuses or unreasonably fails to comply with it, his obligation to take reasonable care of the goods shall continue until he delivers or sends the goods as mentioned in paragraph (a) or paragraph (b) of subsection (3) of this section.

(7) Any obligation under subsections (4) to (6) of this section shall be owed to the person for the time being entitled to possession of the goods, and any breach of that obligation shall be actionable, at the suit of that person, as a breach of statutory duty.

(8) Except as provided by subsections (4) to (7) of this section, the prospective hirer or buyer shall not be under any obligation (whether arising by contract or otherwise) to take care of the goods by reason of their having come into his possession as mentioned in subsection (1) of this section.

(9) In this section "authorised person" means a person falling within any one or more of the following descriptions, that is to say—

(a) the person who conducted any antecedent negotiations in pursuance of which the prospective hirer or buyer signed the relevant document;

- (b) the person for the time being entitled to possession of the goods ;
- (c) the owner or seller ;
- (d) any person who is specified, as mentioned in section 12(1)(a) of this Act, as a person to whom a notice of cancellation may be sent,

and any reference to the premises of the prospective hirer or buyer is a reference to the premises which in the relevant document are specified as his address.

14.—(1) Where a notice of cancellation operates so as to rescind a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement,— Further consequences of notice of cancellation.

- (a) that agreement, and any contract of guarantee relating thereto, shall be deemed never to have had effect, and
- (b) any security given by the prospective hirer or buyer in respect of money payable under the agreement, or given by a guarantor in respect of money payable under such a contract of guarantee, shall be deemed never to have been enforceable.

(2) On the service of a notice of cancellation, any sum which—

- (a) has been paid by the prospective hirer or buyer in respect of the goods to which the relevant document relates, whether it has been paid before the signature of the document or in pursuance of any provision contained in that document, and
- (b) is comprised (or would, if the document constituted a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, be comprised) in the hire-purchase price or total purchase price or (if it is not or would not be so comprised) has in pursuance of any antecedent negotiations been paid to, or for the benefit of, the owner or seller, or has in pursuance of any such negotiations been paid to, or for the benefit of, any person (other than the owner or seller) who conducted those negotiations,

shall be recoverable by the prospective hirer or buyer from the person to whom it has been paid ; and, if the prospective hirer or buyer is in possession of those goods, he shall have a lien on them for any sum which he is entitled to recover by virtue of this subsection.

(3) Any obligation to pay any sum which, if it had been paid before the service of a notice of cancellation, would have been

PART II recoverable by the prospective hirer or buyer under the last preceding subsection, shall be extinguished on the service of such a notice.

(4) Any sum recoverable under subsection (2) of this section shall be recoverable as a simple contract debt in any court of competent jurisdiction.

Effect of notice of cancellation where goods given in part-exchange.

15.—(1) The provisions of this section shall have effect where a notice of cancellation is served, and, in pursuance of any antecedent negotiations conducted by him, a person (in this section referred to as “the dealer”) has agreed to take goods in part-exchange and those goods have been delivered to the dealer.

(2) Unless, before the end of the period of ten days beginning with the date of service of the notice of cancellation, the goods in question are delivered to the prospective hirer or buyer, and are then in a condition which is substantially as good as when they were delivered to the dealer, the prospective hirer or buyer shall be entitled to recover from the dealer a sum equal to the part-exchange allowance.

(3) During the period of ten days referred to in the last preceding subsection the prospective hirer or buyer, if he is in possession of the goods to which the relevant document relates, shall be entitled to retain possession of them until either—

(a) the goods agreed to be taken in part-exchange are delivered to him in such a condition as is mentioned in that subsection, or

(b) a sum equal to the part-exchange allowance is paid to him ;

and if, immediately before the end of that period, he continues by virtue of this subsection to be entitled to retain possession of the goods to which the relevant document relates, he shall have a lien on those goods for any sum which he is entitled to recover by virtue of the last preceding subsection.

(4) Any sum recoverable under subsection (2) of this section shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(5) Where the prospective hirer or buyer recovers from the dealer a sum equal to the part-exchange allowance, then, if the title of the prospective hirer or buyer to the goods agreed to be taken in part-exchange has not vested in the dealer, that title shall so vest on the recovery of that sum.

(6) For the purposes of this section—

(a) the dealer shall be taken to have agreed to take goods in part-exchange if, in pursuance of the antecedent

negotiations, he has either purchased or agreed to purchase those goods or has accepted or agreed to accept them as part of the consideration for the transaction to which the relevant document relates, and

- (b) the part-exchange allowance shall be taken to be the sum which, in the antecedent negotiations, was agreed to be allowed in respect of the goods referred to in the preceding paragraph, or, if no such sum was agreed, the part-exchange allowance shall be taken to be such sum as in all the circumstances it would have been reasonable to allow in respect of those goods if no notice of cancellation had been served.

Representations, conditions and warranties

16.—(1) Where a person (in this section referred to as “the owner or seller”) lets goods under a hire-purchase agreement, or sells or agrees to sell goods under a credit-sale agreement or a conditional sale agreement, any representations with respect to the goods to which the agreement relates which were made, either orally or in writing, to the hirer or buyer by a person other than the owner or seller in the course of any antecedent negotiations conducted by that other person shall be deemed to have been made by him as agent of the owner or seller.

Dealer to be agent of owner or seller in respect of certain representations.

(2) Nothing in this section shall exonerate any person from any liability (whether criminal or civil) to which he would be subject apart from this section.

(3) Section 2(4) of this Act applies to this section.

(4) In this section “representations” includes any statement or undertaking, whether constituting a condition or a warranty or not, and references to making representations shall be construed accordingly.

17.—(1) In every hire-purchase agreement and in every conditional sale agreement there shall be implied—

Implied conditions and warranties.

- (a) a condition on the part of the owner or seller that he will have a right to sell the goods at the time when the property is to pass ;
- (b) a warranty that the hirer or buyer shall have and enjoy quiet possession of the goods ;
- (c) a warranty that the goods shall be free from any charge or encumbrance in favour of any third party at the time when the property is to pass.

(2) Subject to the next following subsection, and to section 18 of this Act, in every hire-purchase agreement and in every

PART II

conditional sale agreement there shall be implied a condition that the goods will be of merchantable quality.

(3) Where the hirer or buyer has examined the goods or a sample of them, the condition referred to in subsection (2) of this section shall not be implied by virtue of that subsection in respect of defects which the examination ought to have revealed.

(4) Where the hirer under a hire-purchase agreement, or the buyer under a conditional sale agreement, whether expressly or by implication—

(a) has made known to the owner or seller, or to a servant or agent of the owner or seller, the particular purpose for which the goods are required, or

(b) in the course of any antecedent negotiations has made that purpose known to any other person by whom those negotiations were conducted, or to a servant or agent of such a person,

there shall, subject to the provisions of section 18 of this Act, be implied a condition that the goods will be reasonably fit for that purpose.

(5) Nothing in this or the next following section shall prejudice the operation of any other enactment or rule of law whereby any condition or warranty is to be implied in any hire-purchase agreement or conditional sale agreement.

Provisions as to exclusion of implied conditions and warranties.

18.—(1) Where under a hire-purchase agreement or a conditional sale agreement goods are let or agreed to be sold as second-hand goods, and—

(a) the agreement contains a statement to that effect, and a provision that the condition referred to in section 17(2) of this Act is excluded in relation to those goods, and

(b) it is proved that before the agreement was made the provision in the agreement so excluding that condition was brought to the notice of the hirer or buyer and its effect made clear to him,

that condition shall not be implied in the agreement in relation to those goods.

(2) Where under a hire-purchase agreement or a conditional sale agreement goods are let or agreed to be sold as being subject to defects specified in the agreement (whether referred to in the agreement as defects or by any other description to the like effect), and—

(a) the agreement contains a provision that the condition referred to in section 17(2) of this Act is excluded in relation to those goods in respect of those defects, and

- (b) it is proved that before the agreement was made those defects, and the provision in the agreement so excluding that condition, were brought to the notice of the hirer or buyer and the effect of that provision was made clear to him,

that condition shall not be implied in the agreement in respect of those defects.

(3) The condition and warranties specified in subsection (1) of section 17 of this Act, and, except as provided by subsection (3) of that section and by subsections (1) and (2) of this section, the condition specified in subsection (2) of that section, shall be implied notwithstanding any agreement to the contrary.

(4) The owner or seller shall not be entitled to rely on any provision in a hire-purchase agreement or conditional sale agreement excluding or modifying the condition referred to in section 17(4) of this Act unless he proves that before the agreement was made that provision was brought to the notice of the hirer or buyer and its effect was made clear to him.

19.—(1) Where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and the goods are so let or agreed to be sold by reference to a sample, there shall be implied in the agreement— Further implied conditions in special cases.

- (a) a condition that the bulk will correspond with the sample in quality, and
- (b) a condition that the hirer or buyer will have a reasonable opportunity of comparing the bulk with the sample.

(2) Where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and are so let or agreed to be sold by description, there shall be implied in the agreement a condition that the goods will correspond with the description; and if the goods are let or agreed to be sold under the agreement by reference to a sample, as well as by description, it shall not be sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

20.—(1) Section 11(1)(c) of the Sale of Goods Act 1893 (whereby in certain circumstances a breach of a condition in a contract of sale is to be treated only as a breach of warranty) shall not apply to conditional sale agreements. Special provisions as to conditional sale agreements. 1894 c. 71. (56 & 57 Vict.).

(2) A breach of a condition (whether express or implied) to be fulfilled by the seller under a conditional sale agreement shall be treated as a breach of warranty, and not as grounds for rejecting the goods and treating the agreement as repudiated,

PART II if (but only if) it would have fallen to be so treated had the condition been contained or implied in a corresponding hire-purchase agreement as a condition to be fulfilled by the owner.

1894 c. 71.
(56 & 57 Vict.) (3) A conditional sale agreement shall be treated as not being a contract of sale for the purposes of sections 12 to 15 of the Sale of Goods Act 1893 (which imply certain conditions and warranties in contracts of sale).

(4) In this section "corresponding hire-purchase agreement" means a hire-purchase agreement relating to the same goods as the conditional sale agreement and made between the same parties and at the same time and in the same circumstances and, as nearly as may be, in the same terms as the conditional sale agreement.

Duties to supply information and documents

21.—(1) At any time before the final payment has been made under a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, any person entitled to enforce the agreement against the hirer or buyer shall, within four days after he has received a request in writing from the hirer or buyer, and the hirer or buyer has tendered to him the sum of 2s. 6d. for expenses, supply to the hirer or buyer a copy of the agreement, together with a statement signed by that person or his agent showing—

- (a) the amount paid by or on behalf of the hirer or buyer ;
- (b) the amount which has become due under the agreement but remains unpaid, and the date on which each unpaid instalment became due, and the amount of each such instalment ; and
- (c) the amount which is to become payable under the agreement, and the date, or the mode of determining the date, on which each future instalment is to become payable, and the amount of each such instalment.

(2) In the event of a failure without reasonable cause to comply with the preceding subsection, then, while the default continues—

- (a) no person shall be entitled to enforce the agreement against the hirer or buyer or to enforce any contract of guarantee relating to the agreement, and, in the case of a hire-purchase agreement or a conditional sale agreement, the owner or seller shall not be entitled to enforce any right to recover the goods from the hirer or buyer, and
- (b) no security given by the hirer or buyer in respect of money payable under the agreement, or given by a guarantor in respect of money payable under a

contract of guarantee relating to the agreement, shall be enforceable against the hirer or buyer or the guarantor by any holder thereof,

and, if the default continues for a period of one month, the person in default shall be liable on summary conviction to a fine not exceeding £25.

(3) If a copy supplied to a hirer or buyer in pursuance of a request made by him under this section does not comply with such requirements of any regulations made under section 32 of this Act as relate thereto, the last preceding subsection shall apply as if that copy had not been supplied to him.

(4) In relation to a credit-sale agreement under which the total purchase price does not exceed £30, subsection (1) of this section shall apply with the substitution, for the words "a copy of the agreement", of the words "a copy of any note or memorandum of the agreement".

(5) Section 2(4) of this Act applies to this section.

22.—(1) A contract of guarantee relating to a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, and any security given by a guarantor in respect of money payable under such a contract, shall (subject to the following provisions of this section) not be enforceable unless, within seven days of the making of the contract of guarantee or the making of the hire-purchase agreement, credit-sale agreement or conditional sale agreement, whichever is the later, there is delivered or sent to the guarantor—

Requirements relating to contracts of guarantee.

(a) a copy of the hire-purchase agreement, credit-sale agreement or conditional sale agreement, and

(b) a copy of a note or memorandum of the contract of guarantee, being a note or memorandum signed by the guarantor or by a person authorised by him to sign it on his behalf.

(2) Subject to the next following subsection, such a contract of guarantee, and any such security, shall also not be enforceable unless—

(a) each copy delivered or sent as mentioned in the preceding subsection, and

(b) the note or memorandum of the contract of guarantee, complies with the requirements of any regulations made under section 32 of this Act, in so far as any such requirements relate thereto.

(3) If in any action the court is satisfied that a failure to comply with any requirement imposed by subsection (1) of this section, or with any such requirement as is mentioned in the

PART II last preceding subsection, has not prejudiced the guarantor, and that it would be just and equitable to dispense with that requirement, the court may, subject to any conditions that it thinks fit to impose, dispense with that requirement for the purposes of the action.

Further documents to be supplied to guarantor.

23.—(1) Where a contract of guarantee relating to a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement is for the time being in force, and the final payment under that agreement has not been made, any person entitled to enforce the contract of guarantee against the guarantor shall, within four days after he has received a request in writing from the guarantor, and the guarantor has tendered to him the sum of 2s. 6d. for expenses, supply to the guarantor the documents specified in the next following subsection.

(2) The documents referred to in the preceding subsection are—

- (a)** a copy of the hire-purchase agreement, credit-sale agreement or conditional sale agreement, or, in the case of a credit-sale agreement under which the total purchase price does not exceed £30, a copy of any note or memorandum of the agreement; and
- (b)** a copy of a note or memorandum of the contract of guarantee; and
- (c)** a statement signed by, or by the agent of, the person to whom the request in writing referred to in the preceding subsection is made, showing the matters specified in paragraphs **(a)** to **(c)** of section 21(1) of this Act.

(3) In the event of a failure without reasonable cause to comply with subsection **(1)** of this section, then, while the default continues,—

- (a)** no person shall be entitled to enforce the contract of guarantee against the guarantor, and
- (b)** no security given by the guarantor in respect of money payable under that contract shall be enforceable against the guarantor by any holder of that security,

and, if the default continues for a period of one month, the person in default shall be liable on summary conviction to a fine not exceeding £25.

(4) If a copy supplied to a guarantor in pursuance of a request made by him under this section does not comply with such requirements of any regulations made under section 32 of this Act as relate thereto, the last preceding subsection shall apply as if that copy had not been supplied to him.

(5) Section 2(4) of this Act applies to this section.

24.—(1) Where by virtue of a hire-purchase agreement or a conditional sale agreement a hirer or buyer is under a duty to keep the goods comprised in the agreement in his possession or control, the hirer or buyer shall, on receipt of a request in writing from the owner or seller, inform the owner or seller where the goods are at the time when the information is given, or, if it is sent by post, at the time of posting.

PART II
Hirer or
buyer to give
information
to owner or
seller.

(2) If a hirer or buyer fails without reasonable cause to give that information within fourteen days of the receipt of the notice, he shall be liable on summary conviction to a fine not exceeding £25.

Defaults in payment

25.—(1) The provisions of this section shall have effect where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and that agreement, or any other agreement, contains a provision (however expressed, and whether limited to defaults in payment or not) whereby, apart from this section, on the occurrence of, or at a time to be ascertained by reference to, a default in the payment of one or more instalments or other sums payable by the hirer or buyer, such of the consequences mentioned in the next following subsection as are specified in that provision (in this section referred to as “the specified consequences”) would follow.

Notice of
default.

(2) The consequences referred to in the preceding subsection are that the hire-purchase agreement or conditional sale agreement, or (in the case of a hire-purchase agreement) the bailment of the goods, shall terminate, or shall be terminable, or that the owner or seller shall have a right to recover possession of the goods.

(3) If default is made in the payment of one or more sums to which that provision (in this subsection referred to as “the relevant provision”) applies, the specified consequences shall not follow by reason of that default unless the owner or seller serves on the hirer or buyer, by post or otherwise, a notice (in this Act referred to as a “notice of default”) stating the amount which has become due, but remains unpaid, in respect of sums to which the relevant provision applies, and requiring the amount so stated to be paid within such period (not being less than seven days beginning with the date of service of the notice) as may be specified in the notice.

(4) Where a notice of default is served, the specified consequences shall not follow before the end of the period specified in the notice by reason of any default to which the notice

PART II relates; and, if before the end of that period the amount specified in the notice is paid or tendered by or on behalf of the hirer or buyer or any guarantor, the specified consequences shall not follow thereafter by reason of any such default.

(5) In a case where the specified consequences are that the hire-purchase agreement or conditional sale agreement, or (in the case of a hire-purchase agreement) the bailment of the goods, may be terminated by notice given by the owner or seller, a notice of default may include a notice terminating the hire-purchase agreement or conditional sale agreement, or the bailment, as the case may be, at or after the end of the period specified therein in accordance with subsection (3) of this section, subject to a condition that the termination is not to take effect if before the end of that period the amount specified in the notice of default is paid or tendered as mentioned in the last preceding subsection.

Supplementary provisions as to notices of default.

26.—(1) Without prejudice to the service of a notice of default in any way in which such a notice could be served apart from this subsection, a notice of default shall be deemed to be served on the hirer under a hire-purchase agreement, or on the buyer under a conditional sale agreement, if—

(a) it is addressed to the person last known to the owner or seller as the hirer or buyer under the agreement, and is delivered at, or sent by post to, the last known address of that person, or

(b) in a case where that person has died, the notice (if not served in accordance with the preceding paragraph) is addressed to that person's personal representative (whether by that or any similar description, and whether for the time being there is any personal representative of his or not) and is delivered at, or sent by post to, the address which was the last known address of the deceased person.

(2) Where the person who, immediately before his death, was the hirer under a hire-purchase agreement, or the buyer under a conditional sale agreement, has died, and his rights under the agreement have not yet passed to a personal representative,—

1925 c. 23.

(a) section 9 of the Administration of Estates Act 1925 (vesting of estate of intestate between death and grant of administration) shall not be construed as enabling a notice of default to be served on the Probate Judge (as defined by that Act) as being the hirer or buyer under that agreement, and

(b) the last preceding section shall have effect as if the deceased person had not died, and any reference in that section to default in the payment of a sum payable by the hirer or buyer shall be construed accordingly.

Right of hirer or buyer to terminate agreement

27.—(1) At any time before the final payment under a hire-purchase agreement or conditional sale agreement falls due, the hirer or buyer shall (subject to the next following subsection) be entitled to terminate the agreement by giving notice of termination in writing to any person entitled or authorised to receive the sums payable under the agreement. Right to terminate agreement.

(2) In the case of a conditional sale agreement, where the property in the goods, having become vested in the buyer, is transferred to a person who does not become the buyer under the agreement, the buyer shall not thereafter be entitled to terminate the agreement under this section.

(3) Subject to the last preceding subsection, where a buyer under a conditional sale agreement terminates the agreement under this section after the property in the goods has become vested in him, the property in the goods shall thereupon vest in the person (in this subsection referred to as “the previous owner”) in whom it was vested immediately before it became vested in the buyer:

Provided that if the previous owner has died, or any other event has occurred whereby that property, if vested in him immediately before that event, would thereupon have vested in some other person, the property shall be treated as having devolved as if it had been vested in the previous owner immediately before his death or immediately before that event, as the case may be.

(4) Nothing in this section shall prejudice any right of a hirer or buyer to terminate a hire-purchase agreement or conditional sale agreement otherwise than by virtue of this section.

28.—(1) Where the hirer under a hire-purchase agreement, or the buyer under a conditional sale agreement, terminates the agreement by virtue of the last preceding section, then, subject to the following provisions of this section, and without prejudice to any liability which has accrued before the termination, he shall be liable— Liability of hirer or buyer giving notice of termination.

(a) in the case of a hire-purchase agreement, to pay the amount (if any) by which one-half of the hire-purchase price exceeds the total of the sums paid and the sums due in respect of the hire-purchase price immediately before the termination, or

PART II

(b) in the case of a conditional sale agreement, to pay the amount (if any) by which one-half of the total purchase price exceeds the total of the sums paid and the sums due in respect of the total purchase price immediately before the termination,

or if (in either case) the agreement specifies a lesser amount, he shall be liable to pay the amount so specified.

(2) If in any action the court is satisfied that a sum less than the amount specified in paragraph (a) or paragraph (b) of the preceding subsection (as the case may be) would be equal to the loss sustained by the owner or seller in consequence of the termination of the agreement by the hirer or buyer, the court may make an order for the payment of that sum in lieu of that amount.

(3) Where a hire-purchase agreement or conditional sale agreement has been terminated under the last preceding section, the hirer or buyer, if he has failed to take reasonable care of the goods, shall be liable to pay damages for the failure.

(4) Where a hirer or buyer, having terminated a hire-purchase agreement or conditional sale agreement under the last preceding section, wrongfully retains possession of the goods, then, in any action brought by the owner or seller to recover possession of the goods from the hirer or buyer, the court, unless it is satisfied that having regard to the circumstances it would not be just and equitable to do so, shall order the goods to be delivered to the owner or seller without giving the hirer or buyer an option to pay the value of the goods.

(5) The preceding provisions of this section shall have effect subject to the provisions of section 55 of this Act.

Avoidance of certain provisions and contracts

General provisions.

29.—(1) Any provision to which this subsection applies shall be void.

(2) The preceding subsection applies to any provision in any agreement (whether a hire-purchase agreement, credit-sale agreement or conditional sale agreement or not)—

(a) whereby an owner or seller, or any person acting on his behalf, is authorised to enter upon any premises for the purpose of taking possession of goods which have been let under a hire-purchase agreement or agreed to be sold under a conditional sale agreement, or is relieved from liability for any such entry, or

(b) whereby the right conferred by section 27 of this Act to terminate a hire-purchase agreement or a conditional sale agreement is excluded or restricted, or whereby any liability, in addition to the liability imposed by section 28 of this Act, is imposed on a hirer or buyer

by reason of the termination of a hire-purchase agreement or conditional sale agreement under the said section 27, or

- (c) whereby a hirer or buyer, after the termination in any manner whatsoever of a hire-purchase agreement or conditional sale agreement or (in the case of a hire-purchase agreement) of the bailment, is (apart from any liability which has accrued before the termination) subject to a liability to pay an amount which exceeds whichever is the lesser of the two following amounts, that is to say—
- (i) the amount mentioned in paragraph (a) or (as the case may be) in paragraph (b) of section 28(1) of this Act, and
 - (ii) an amount equal to the loss sustained by the owner or seller in consequence of the termination of the agreement or bailment, or
- (d) whereby any person acting on behalf of an owner or seller in connection with the formation or conclusion of a hire-purchase agreement, credit-sale agreement or conditional sale agreement is treated as, or deemed to be, the agent of the hirer or buyer, or
- (e) whereby an owner or seller is relieved from liability for the acts or defaults of any person acting on his behalf in connection with the formation or conclusion of a hire-purchase agreement, credit-sale agreement or conditional sale agreement.

(3) There shall also be void any provision in any agreement (whether a hire-purchase agreement, credit-sale agreement or conditional sale agreement or not)—

- (a) excluding or restricting the operation of any enactment contained in sections 11 to 15 of this Act or the exercise of any right conferred by such an enactment or imposing any liability in consequence of the exercise of such a right, other than or in addition to any liability imposed by such an enactment, or
- (b) excluding or restricting the operation of any enactment contained in section 16 or section 31 of this Act, or
- (c) excluding or modifying any condition implied by virtue of section 19 of this Act.

(4) Any contract, whether oral or in writing, which apart from this subsection would have effect as a contract to enter into a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement (as distinct from a contract constituting such an agreement) shall be void.

(5) Section 2(4) of this Act applies to subsections (2) and (3) of this section.

PART II
Provisions
relating to
death of hirer
or buyer.

30.—(1) The provisions of subsection (2) or (as the case may be) subsection (3) of this section shall have effect where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and that agreement, or any other agreement, provides that, on the occurrence of, or at a time to be ascertained by reference to, one or more events referred to in the provision in question,—

- (a) the hire-purchase agreement or conditional sale agreement, or (in the case of a hire-purchase agreement) the bailment of the goods, shall terminate, or shall be terminable, or the owner or seller shall have a right to recover possession of the goods to which the hire-purchase agreement or conditional sale agreement relates, or
- (b) any sum shall become payable by the hirer or buyer or any guarantor, or any liability of the hirer or buyer or any guarantor shall be increased or accelerated, or
- (c) any right of the hirer under the hire-purchase agreement or of the buyer under the conditional sale agreement shall cease to be exercisable, or shall be, or shall become liable to be, restricted or postponed.

(2) If the only event specified as mentioned in the preceding subsection is the death of the hirer or buyer, so much of the agreement as makes any such provision as is mentioned in that subsection shall be void.

(3) If two or more events are so specified, and one of them is the death of the hirer or buyer, so much of the agreement as makes any such provision shall have effect as if any reference to the death of the hirer or buyer were omitted.

(4) Without prejudice to the preceding provisions of this section, where—

- (a) goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and
- (b) that agreement, or any other agreement, contains any provision (whether expressed as a provision that the hire-purchase agreement or conditional sale agreement shall be personal to the hirer or buyer or otherwise) which, if the hire-purchase agreement or conditional sale agreement is in force immediately before the death of the hirer or buyer, would apart from this subsection have the effect of terminating the last-mentioned agreement on the death of the hirer or buyer or otherwise preventing the benefit of that agreement from being transmitted on his death,

that provision shall be void in so far as it would have that effect.

Supplementary provisions

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31.—(1) Where a person has made an offer to enter into a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, in a case not falling within section 11(1) of this Act, and wishes to withdraw that offer before it is accepted, any person who conducted any antecedent negotiations shall be deemed to be the agent of any other person concerned for the purpose of receiving notice that the offer is withdrawn.

Agency for
purpose of
receiving
notices.

(2) Where the hirer or buyer under a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement claims to have a right to rescind the agreement, any person who conducted any antecedent negotiations shall be deemed to be the agent of the owner or seller for the purpose of receiving any notice rescinding the agreement which is served by the hirer or buyer.

(3) In subsection (1) of this section "other person concerned", in relation to an offer, means any person who would be in a position to accept the offer if it were not withdrawn; and in the last preceding subsection "rescind" does not include—

(a) the service of a notice of cancellation, or

(b) the termination of an agreement under section 27 of this Act, or by the exercise of a right or power in that behalf expressly conferred by the agreement.

(4) The preceding provisions of this section shall have effect without prejudice to the operation of section 12(3) of this Act.

(5) Section 2(4) of this Act applies to this section.

32.—(1) The Board of Trade may make regulations prescribing such requirements (whether as to type, size, colour or disposition of lettering, quality or colour of paper, or otherwise) as the Board may consider appropriate for securing that documents to which this section applies are easily legible.

Legibility of
documents.

(2) Subject to the next following subsection, the documents to which this section applies are documents of any of the following descriptions, that is to say—

(a) any hire-purchase agreement, credit-sale agreement or conditional sale agreement;

(b) any such copy as is mentioned in subsection (2) or subsection (3) of section 8 or in subsection (2) or subsection (3) of section 9 of this Act;

(c) any copy supplied to a hirer or buyer in pursuance of a request made by him under section 21 of this Act;

PART II

(d) any note or memorandum of a contract of guarantee relating to a hire-purchase agreement, credit-sale agreement or conditional sale agreement, and any such copy as is mentioned in paragraph (a) or paragraph (b) of section 22(1) of this Act ;

(e) any such copy as is mentioned in paragraph (a) or paragraph (b) of subsection (2) of section 23 of this Act which is supplied to a guarantor in pursuance of a request made by him under subsection (1) of that section.

(3) Without prejudice to the operation of section 57(3) of this Act in relation to any regulations made under this section, any such regulations—

(a) may specify which parts of the contents of a document to which the regulations apply are permitted to consist of handwriting or a reproduction of handwriting, and may prescribe different requirements in relation to so much of the contents of such a document as is permitted to consist, and consists, of handwriting or a reproduction of handwriting and in relation to the remainder of the contents of such a document ; and

(b) may except from any of the requirements of the regulations any marginal notes or other subsidiary parts of a document.

(4) In relation to so much of any document falling within paragraph (a) or paragraph (b) of subsection (2) of this section as consists of—

(a) words or other matters prescribed by regulations made under section 7(2) of this Act, or

(b) a statement required to be contained therein as prescribed by regulations made under section 9(4) of this Act,

any regulations made under this section shall have effect subject to the provisions of the regulations referred to in paragraph (a) or paragraph (b) of this subsection, as the case may be.

PART III

RECOVERY OF POSSESSION AND OTHER REMEDIES

Protected goods

Meaning of
“protected
goods”.

33.—(1) For the purposes of this Part of this Act goods are “protected goods” if for the time being the following conditions are fulfilled, that is to say—

(a) that the goods have been let under a hire-purchase agreement, or agreed to be sold under a conditional sale agreement ;

- (b) that one-third of the hire-purchase price or total purchase price has been paid (whether in pursuance of a judgment or otherwise) or tendered by or on behalf of the hirer or buyer or a guarantor; and
- (c) that the hirer or buyer has not terminated the hire-purchase agreement or conditional sale agreement, or (in the case of a hire-purchase agreement) the bailment, by virtue of any right vested in him.

(2) In this Part of this Act “the agreement”, in relation to any protected goods, means the hire-purchase agreement or conditional sale agreement in respect of which those conditions are fulfilled.

34.—(1) The owner (where the agreement is a hire-purchase agreement) or the seller (where it is a conditional sale agreement) shall not enforce any right to recover possession of protected goods from the hirer or buyer otherwise than by action.

Restriction on right to recover possession of protected goods.

(2) If the owner or seller recovers possession of protected goods in contravention of the preceding subsection, the agreement, if not previously terminated, shall terminate, and—

- (a) the hirer or buyer shall be released from all liability under the agreement, and shall be entitled to recover from the owner or seller, in an action for money had and received, all sums paid by the hirer or buyer under the agreement or under any security given by him in respect thereof, and
- (b) any guarantor shall be entitled to recover from the owner or seller, in an action for money had and received, all sums paid by him under the contract of guarantee or under any security given by him in respect thereof.

Action by owner for possession

35.—(1) This section applies to any action brought by the owner to enforce a right to recover possession of protected goods from the hirer, where the owner has not previously, in contravention of section 34(1) of this Act, recovered possession of part of the goods let under the agreement.

Action by owner to recover possession of protected goods from hirer.

(2) Subject to such exceptions as may be provided for by county court rules, all the parties to the agreement, and any guarantor, shall be made parties to the action.

(3) Pending the hearing of the action, the court shall, in addition to any other powers, have power, on the application of the owner, to make such orders as the court thinks just

PART III

for the purpose of protecting the goods from damage or depreciation, including orders restricting or prohibiting the use of the goods or giving directions as to their custody.

(4) Subject to the following provisions of this Part of this Act, on the hearing of the action the court may, without prejudice to any other power,—

- (a) make an order for the specific delivery of all the goods to the owner, or
- (b) make an order for the specific delivery of all the goods to the owner and postpone the operation of the order on condition that the hirer or any guarantor pays the unpaid balance of the hire-purchase price at such times and in such amounts as the court, having regard to the means of the hirer and of any guarantor, thinks just, and subject to the fulfilment by the hirer or a guarantor of such other conditions as the court thinks just, or
- (c) make an order for the specific delivery of a part of the goods to the owner and for the transfer to the hirer of the owner's title to the remainder of the goods.

(5) In this Part of this Act any reference to an order for the specific delivery of goods to the owner is a reference to an order for the delivery of those goods to the owner without giving the hirer an option to pay their value.

(6) In the following provisions of this Part of this Act "postponed" means postponed in pursuance of subsection (4)(b) of this section, and any reference to postponement shall be construed accordingly.

Circumstances in which postponed order may be made.

36.—(1) The operation of an order for the specific delivery of goods to the owner shall not be postponed unless the hirer satisfies the court that the goods are in his possession or control at the time when the order is made.

(2) If in an action to which the last preceding section applies an offer as to conditions for the postponement of the operation of an order is made by the hirer, and accepted by the owner, in accordance with rules of court, the court (subject to the next following subsection) may thereupon make the order, and postpone its operation, in accordance with the offer without hearing evidence as to any of the matters mentioned in subsection (4)(b) of the last preceding section and in subsection (1) of this section.

(3) Where a guarantor is a party to the action, an order shall not be made in pursuance of the last preceding subsection before the date fixed for the hearing of the action.

37.—(1) The court shall not exercise any power under this Part of this Act to make an order for the transfer to the hirer of the owner's title to part of the goods to which the agreement relates unless the court is satisfied that the amount which the hirer has paid in respect of the hire-purchase price exceeds the price of that part of the goods by at least one-third of the unpaid balance of the hire-purchase price.

PART III
Restriction on orders transferring owner's title.

(2) In this section "price", in relation to any part of the goods to which the agreement relates, means such part of the hire-purchase price as is assigned to that part of the goods by the agreement, or, if no such assignment is so made, it means such part of the hire-purchase price as the court may determine.

38.—(1) While the operation of an order for the specific delivery of goods to the owner is postponed, the hirer shall, subject to the following provisions of this section, be deemed to be a bailee of the goods under and on the terms of the agreement.

Effect of postponed order.

(2) No further sum shall be or become payable by the hirer or a guarantor on account of the unpaid balance of the hire-purchase price, except in accordance with the terms of the order.

(3) The court may make such further modification of the terms of the agreement, and of any contract of guarantee relating thereto, as the court considers necessary having regard to the variation of the terms of payment.

(4) If, while the operation of the order is postponed, the hirer or a guarantor fails to comply with any condition of the postponement, or with any term of the agreement as varied by the court, or wrongfully disposes of the goods, the owner shall not take any civil proceedings against the hirer or guarantor otherwise than by making an application to the court by which the order was made:

Provided that, in the case of a breach of a condition relating to the payment of the unpaid balance of the hire-purchase price, it shall not be necessary for the owner to apply to the court for leave to execute the order unless the court has so directed.

(5) When the unpaid balance of the hire-purchase price has been paid in accordance with the terms of the order, the owner's title to the goods shall vest in the hirer.

39.—(1) At any time while the operation of an order for the specific delivery of goods to the owner is postponed, the court—

Further powers of court in relation to postponed order.

(a) may vary the conditions of the postponement, and make such further modification of the agreement, and of any contract of guarantee relating thereto, as the

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court considers necessary having regard to the variation of the conditions of the postponement, or

- (b) may revoke the postponement, or
- (c) subject to section 37 of this Act, may make an order for the specific delivery of a part of the goods to the owner and for the transfer to the hirer of the owner's title to the remainder of the goods.

(2) The powers of the court under paragraph (a) or paragraph (c) of the preceding subsection may be exercised, notwithstanding that any condition of the postponement has not been complied with, at any time before the goods are delivered to the owner in accordance with a warrant issued in pursuance of the order.

(3) Where a warrant has been issued in pursuance of the order, then—

- (a) if the court varies the conditions of the postponement under paragraph (a) of subsection (1) of this section, the court shall suspend the warrant on the like conditions;
- (b) if the court makes an order under paragraph (c) of that subsection, the court shall cancel the warrant so far as it provides for the delivery of that part of the goods in respect of which the owner's title is to be transferred to the hirer.

(4) At any time before the delivery of goods to the owner in accordance with a warrant issued in pursuance of the order, the warrant may, so far as it provides for the delivery of the goods, be discharged by the payment to the owner by the hirer or any guarantor of the whole of the unpaid balance of the hire-purchase price; and in any such case the owner's title to the goods shall vest in the hirer.

Supplementary provisions relating to ss. 35 to 39.

40.—(1) If, before the hearing of an action to which section 35 of this Act applies, the owner has recovered possession of a part of the goods, any reference in section 35(4) of this Act to all the goods shall be construed as a reference to all the goods of which the owner has not recovered possession.

(2) If, in any case falling within the preceding subsection, the parties have not agreed upon an adjustment of the hire-purchase price in respect of the goods recovered by the owner, the court may, for the purposes of the relevant provisions, make such reduction of the unpaid balance of the hire-purchase price as the court thinks just.

(3) Where the owner has brought an action to which section 35 of this Act applies, and damages have been awarded against him in the proceedings, the court may treat the hirer as having

paid in respect of the hire-purchase price (in addition to the actual amount paid) the amount of the damages, or such part of them as the court thinks fit; and thereupon those damages shall accordingly be remitted, either in whole or in part.

(4) Where the agreement validly provides for the payment by the hirer, on or after the termination of the agreement or bailment, of such sum as, when added to the sums paid and the sums due in respect of the hire-purchase price before the termination, is equal to a fixed amount, and—

- (a) the hirer or a guarantor has paid or has been ordered to pay such a sum, and
- (b) the owner subsequently seeks to recover possession of the goods in an action to which section 35 of this Act applies,

the court may treat that sum as a sum which has been, or is to be, paid in respect of the hire-purchase price.

(5) In subsection (2) of this section “the relevant provisions”, in relation to an action, means such of the following provisions of this Act, that is to say, sections 35(4)(b), 37(1), 38 and 39(4), as are applicable to the action.

Money claims by owner

41. After the owner has begun an action to which section 35 of this Act applies, he shall not take any step to enforce payment of any sum due under the agreement, or under any contract of guarantee relating to the agreement, except by claiming the sum in that action.

Restriction on separate action.

42.—(1) Where the owner has brought an action to enforce a right to recover possession of protected goods from the hirer, and—

Powers of court on non-compliance with order for specific delivery of goods.

- (a) the court has made an order in that action under section 35(4) or section 39(1)(c) of this Act (in this section referred to as “the previous order”), and
- (b) the previous order has not been complied with, or, in a case where the operation of that order was postponed, the hirer or any guarantor has failed to comply with any condition of the postponement, or with any term of the agreement as varied by the court, or has wrongfully disposed of the goods, and
- (c) the owner has not recovered possession of all the goods which under the previous order were directed to be delivered to him,

the owner may make an application under this section.

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(2) Any application under this section shall be made to the court by which the previous order was made, and (whether the operation of the previous order was postponed or not) shall be made in the action in which that order was made.

(3) On any such application the court shall have power, if in the circumstances it considers it just to do so,—

(a) to revoke the previous order, and

(b) to make an order for the payment (in any manner in which money may be ordered to be paid in accordance with section 99 of the County Courts Act 1959) of a sum determined in accordance with subsection (4) of this section.

1959 c. 22.

(4) Subject to any reduction under subsection (6) of this section, the sum referred to in paragraph (b) of the last preceding subsection shall be a sum equal to the balance of the price of the unrecovered goods which remains outstanding at the date when the order under that paragraph is made.

(5) The power to make an order under subsection (3)(b) of this section shall be exercisable against any person who, at the time when the order is made, is (apart from the previous order) liable to pay any sum which has then accrued due under the agreement; and on the making of such an order the owner's title to the unrecovered goods shall vest in the person against whom the order is made.

(6) Where the court makes an order under subsection (3)(b) of this section, the court shall deduct from the balance referred to in subsection (4) of this section such amount as the court thinks just, having regard to the extent to which the order requires any part of that balance to be paid at a date earlier than the date on which it would have become payable in accordance with the agreement.

(7) Where an order is made under subsection (3)(b) of this section after the issue of a warrant in pursuance of the previous order, the court shall cancel the warrant.

(8) In this section—

(a) “the unrecovered goods” means those goods which, under the previous order, were directed to be delivered to the owner but of which he has not recovered possession at the time when the court makes the order under subsection (3)(b) of this section; and

(b) “price” has the meaning assigned to it by section 37(2) of this Act, and any reference to the balance of the price of any goods remaining outstanding shall be construed accordingly.

43.—(1) The provisions of this section shall have effect where a hire-purchase agreement validly provides for the payment by the hirer on or after the termination of the agreement or the bailment of such sum as, when added to the sums paid and the sums due in respect of the hire-purchase price before the termination, is equal to a fixed amount.

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Claim under
minimum
payment
provision

(2) If, in an action to which section 35 of this Act applies,—

- (a) a claim is made in respect of a sum for which the agreement provides as mentioned in the preceding subsection, and
- (b) the court makes an order for the specific delivery of a part of the goods to the owner and the transfer to the hirer of the owner's title to the remainder of the goods,

the claim in respect of that sum shall be disallowed.

(3) If in any such action—

- (a) a claim is made in respect of a sum for which the agreement provides as mentioned in subsection (1) of this section, and
- (b) the court makes an order for the specific delivery of the goods to the owner, and postpones the operation of that order,

then, except as provided by the next following section, the court shall not entertain the claim in respect of that sum unless and until the postponement is revoked, and shall then deal with the claim as if the agreement had just been terminated.

44.—(1) Where the owner has brought an action to which section 35 of this Act applies, and the court has made an order under paragraph (a) or paragraph (b) of subsection (4) of that section (in this section referred to as "the previous order"), then if—

Money claim
after order for
specific
delivery of
goods.

- (a) the owner (whether the operation of the previous order was postponed or not) has recovered possession of all the goods, or
- (b) where the operation of the previous order was postponed, the court revokes the postponement,

the owner may make, or (if the claim in question has already been made in that action) may proceed with, any claim to which this section applies.

(2) This section applies to any claim—

- (a) for the payment of one or more instalments which had accrued due under the agreement before the action was brought, or

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(b) for the payment of any sum for which the agreement makes provision as mentioned in section 43(1) of this Act and which had become payable before the action was brought.

(3) Where in pursuance of subsection (1) of this section the owner proposes to make or proceed with a claim as therein mentioned, that claim shall (whether the operation of the previous order was postponed or not) be made or proceeded with in the action in which the previous order was made, and, if the owner has recovered possession of all the goods, may, notwithstanding anything in section 43(3) of this Act, be so made or proceeded with at any time after he has recovered possession of them.

(4) In determining a claim to which this section applies the court may treat any sum paid in pursuance of an order under section 35(4)(b) of this Act as a payment made (wholly or partly) in respect of any instalment or sum to which the claim relates.

*Action for possession, and money claims, by
seller under conditional sale agreement*

Application of
ss. 35 to 44 to
conditional
sale
agreements.

45.—(1) The provisions of sections 35 to 44 of this Act shall have effect in relation to protected goods where the agreement is a conditional sale agreement, subject to the modifications specified in the following provisions of this section.

(2) Subject to the next following subsection, those provisions shall apply as if—

- (a) any reference to the hirer were a reference to the buyer ;
- (b) any reference to the owner were a reference to the seller ;
- (c) any reference to the hire-purchase price were a reference to the total purchase price ; and
- (d) any reference to a hire-purchase agreement, or to goods let under the agreement, were a reference to a conditional sale agreement, or to goods agreed to be sold under the agreement, as the case may be.

(3) For section 38(1) of this Act there shall be substituted the following subsection:—

“(1) While the operation of an order for the specific delivery of goods to the seller is postponed, the buyer shall, subject to the following provisions of this section, be deemed to be in possession of the goods under and on the terms of the agreement, other than any term providing for the property in the goods to vest in the buyer at any time before the payment of the whole of the total purchase price.”

(4) In section 40(4) of this Act the words "or bailment", and in section 43(1) of this Act the words "or the bailment", shall be omitted. PART III

Supplementary provisions

46.—(1) The provisions of Schedule 3 to this Act shall have effect in the circumstances specified in that Schedule. Recovery of possession, and money claims, after death of hirer or buyer.

(2) In sections 34(2) and 35(1) of this Act the references to contravention of section 34(1) of this Act shall be construed in accordance with paragraph 5 of that Schedule.

47.—(1) The provisions of this section shall have effect where— Successive agreements.

(a) goods have been let under a hire-purchase agreement, and, at any time after one-third of the hire-purchase price has been paid or tendered, the owner makes a further hire-purchase agreement with the hirer, or, as seller, makes a conditional sale agreement with the hirer as buyer, or

(b) goods have been agreed to be sold under a conditional sale agreement, and, at any time after one-third of the total purchase price has been paid or tendered, the seller makes a further conditional sale agreement with the buyer, or, as owner, makes a hire-purchase agreement with the buyer as hirer,

and (in either case) the subsequent agreement relates to the whole or any part of those goods, with or without other goods.

(2) In any case falling within the preceding subsection, section 33 of this Act shall have effect in relation to the subsequent agreement as if paragraph (b) of subsection (1) of that section were omitted.

48.—(1) Where goods have been let under a hire-purchase agreement, or have been agreed to be sold under a conditional sale agreement, and the owner or seller— Evidence of adverse detention of goods.

(a) brings an action to enforce a right to recover possession of the goods from the hirer or buyer, and

(b) proves in that action that, after the right to recover possession of the goods accrued but before the action was begun, he made a request in writing to the hirer or buyer to surrender the goods,

then, for the purposes of the claim of the owner or seller to recover possession of the goods, the possession of them by the hirer or buyer shall be deemed to be adverse to the owner or seller.

(2) Nothing in this section shall affect a claim for damages for conversion.

PART III
Jurisdiction
of county
court.

49.—(1) Where goods have been let under a hire-purchase agreement, or have been agreed to be sold under a conditional sale agreement, and the owner or seller brings an action to enforce a right to recover possession of the goods from the hirer or buyer, and either—

(a) the action is one to which section 35 of this Act applies, or

(b) the action is brought before one-third of the hire-purchase price or total purchase price has been paid (whether in pursuance of a judgment or otherwise) or tendered by or on behalf of the hirer or buyer or any guarantor,

the action shall be brought in the county court for the district in which the hirer or buyer resides or carries on business, or resided or carried on business at the date on which he last made a payment under the hire-purchase agreement or conditional sale agreement.

(2) If in any action falling within paragraph (a) or paragraph (b) of the preceding subsection the owner or seller claims any sum due under the hire-purchase agreement or conditional sale agreement, or under any contract of guarantee relating thereto, the county court shall have jurisdiction to hear and determine the action as well in relation to that claim as in relation to the claim to enforce such a right as is mentioned in the preceding subsection, if apart from this section the county court would not have jurisdiction to do so.

(3) The last preceding subsection shall have effect without prejudice to the operation of sections 41 to 44 of this Act.

(4) Any reference in this section to section 35 or sections 41 to 44 of this Act shall be construed as including a reference to that section, or those sections, as the case may be, as applied by section 45 of this Act to conditional sale agreements.

Power to
confer
jurisdiction on
inferior
courts.

50.—(1) Her Majesty may by Order in Council direct that the jurisdiction conferred upon county courts by this Part of this Act may be exercised by any inferior court specified in the Order.

(2) While an Order in Council under this section is in force with respect to an inferior court, any action falling within section 49(1) of this Act may, where the hirer or buyer resides or carries on business within the jurisdiction of that court, or resided or carried on business within the jurisdiction of that court at the date on which he last made a payment under the hire-purchase agreement or conditional sale agreement, be brought either in a county court in accordance with the said section 49(1) or in that inferior court.

(3) An Order in Council under this section may contain such provisions as appear to Her Majesty to be expedient with respect to the rules of court for regulating the procedure to be followed in any such action, and may also, where it appears to Her Majesty to be necessary, contain provisions authorising the making of such rules.

PART III

(4) Any Order in Council made under this section may be revoked or varied by a subsequent Order in Council made in like manner.

PART IV

PROVISIONS RELATED TO PARTS II AND III

51.—(1) Where a hirer or buyer is liable to make payments in respect of— Appropriation of payments.

- (a) two or more hire-purchase agreements, or
- (b) two or more conditional sale agreements, or
- (c) one or more hire-purchase agreements and one or more conditional sale agreements,

and he is liable to make those payments to the same owner or seller, he shall be entitled, on making any payment in respect of the agreements which is not sufficient to discharge the total amount then due under all the agreements, to appropriate the sum so paid by him in either of the ways mentioned in the next following subsection.

(2) The hirer or buyer may appropriate the sum in question—

- (a) in or towards the satisfaction of the sum due under any one of the agreements, or
- (b) in or towards the satisfaction of the sums due under any two or more of the agreements in such proportions as he thinks fit.

(3) If the hirer or buyer fails to make any such appropriation, the payment shall by virtue of this subsection be appropriated towards the satisfaction of the sums due under the several agreements respectively in the proportions which those sums bear to one another.

(4) The preceding provisions of this section shall have effect notwithstanding any agreement to the contrary.

52.—(1) If, at any time when by virtue of this Act the enforcement by the owner under a hire-purchase agreement, or by the seller under a conditional sale agreement, of a right to recover possession of goods from the hirer or buyer is subject to any restriction, the hirer or buyer refuses to give up possession of the goods to the owner or seller, the hirer or buyer shall Refusal to surrender goods not to be conversion in certain cases.

PART IV not, by reason only of the refusal, be liable to the owner or seller for conversion of the goods.

(2) If, at any time when the circumstances specified in paragraph 1 or paragraph 2 of Schedule 3 to this Act exist and the goods are protected goods, the person in possession (as therein defined) refuses to give up possession of the goods to the owner or seller, the person in possession shall not, by reason only of the refusal, be liable to the owner or seller for conversion of the goods.

(3) In this section "protected goods" has the same meaning as in Part III of this Act.

Distress for
rent, and
bankruptcy.

53.—(1) Where goods have been let under a hire-purchase agreement, or have been agreed to be sold under a conditional sale agreement, and a notice of default is served under section 25 of this Act, then at any time after the service of that notice and before the amount specified in the notice is paid or tendered as mentioned in subsection (4) of that section or the period specified in the notice expires (whichever first occurs) the goods to which the agreement relates shall not be treated—

1908 c. 53.

(a) for the purposes of section 4 of the Law of Distress Amendment Act 1908 (in this section referred to as "the Act of 1908") as goods comprised in a hire-purchase agreement made by the hirer or buyer, or

1914 c. 59.

(b) for the purposes of that section, or of section 38 of the Bankruptcy Act 1914 (in this section referred to as "the Act of 1914"), as goods which are by the consent and permission of the owner or seller in the possession, order or disposition of the hirer or buyer.

(2) Where under the powers conferred by Part III of this Act the court has postponed the operation of an order for the specific delivery of goods to any person, those goods shall not, during the postponement, be treated, for the purposes of section 4 of the Act of 1908 or of section 38 of the Act of 1914, as goods which are by the consent or permission of that person in the possession, order or disposition of the hirer or buyer.

(3) At any time—

(a) after the termination of a hire-purchase agreement or conditional sale agreement, or

(b) after the owner or seller under such an agreement, having a right to recover from the hirer or buyer goods which have been let or agreed to be sold under the agreement, has begun an action to enforce that right, the goods let or agreed to be sold under the agreement, or the goods claimed in the action, as the case may be, shall (notwithstanding that the court in any such action postpones the

operation of an order for the specific delivery of the goods to the owner or seller) not be treated as goods comprised in that agreement for the purposes of section 4 of the Act of 1908.

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54. For the purposes of section 9 of the Factors Act 1889 and of section 25(2) of the Sale of Goods Act 1893 (under which, notwithstanding that the property in the goods has not been transferred to him, a person who has bought or agreed to buy goods and is in possession of them can confer a good title to the goods) the buyer under a conditional sale agreement shall be deemed not to be a person who has bought or agreed to buy goods.

Exclusion of conditional sale agreements from certain enactments relating to sale of goods.
1889 c. 45.
1894 c. 71
(56 & 57 Vict.).

55.—(1) Where under a hire-purchase agreement or a conditional sale agreement the owner or seller is required to carry out any installation, and the agreement specifies, as part of the hire-purchase price or total purchase price, the amount to be paid in respect of the installation (in this section referred to as “the installation charge”)—

Installation charges.

- (a) any reference in section 28(1) of this Act to one-half of the hire-purchase price or one-half of the total purchase price shall be construed as a reference to the aggregate of the installation charge and one-half of the remainder of the hire-purchase price or total purchase price, as the case may be, and
 - (b) any reference in Part III of this Act to one-third of the hire-purchase price or one-third of the total purchase price shall be construed as a reference to the aggregate of the installation charge and one-third of the remainder of the hire-purchase price or total purchase price, as the case may be.
- (2) In this section “installation” means—
- (a) the installing of any electric line (as defined by the Electric Lighting Act 1882) or any gas or water pipe; 1882 c. 56.
 - (b) the fixing of goods to which the agreement relates to the premises where they are to be used, and the alteration of premises to enable any such goods to be used on them; and
 - (c) where it is reasonably necessary that any such goods should be constructed or erected on the premises where they are to be used, any work carried out for the purpose of constructing or erecting them on those premises.

56. Where the owner (in the case of a hire-purchase agreement) or the seller (in the case of a conditional sale agreement) has agreed that any part of the hire-purchase price or total

Payment otherwise than in money.

PART IV purchase price may be discharged otherwise than by the payment of money, any such discharge shall be deemed to be a payment of that part of the hire-purchase price or total purchase price for the purposes of sections 21 and 28 of this Act and of Part III of, and Schedule 3 to, this Act.

PART V

SUPPLEMENTARY PROVISIONS

Regulations. **57.**—(1) Any power of the Board of Trade to make regulations under this Act shall be exercisable by statutory instrument.

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

(3) Where a power to make regulations is exercisable by virtue of this Act, regulations made in the exercise of that power may make different provision in relation to different classes of cases.

(4) Any power (exercisable in accordance with section 61(2) of this Act) to make regulations under this Act before the date of the commencement of this Act shall include power, by any regulations so made, to revoke any regulations made under any of the enactments which, as from that date, are repealed by this Act.

Interpretation. **58.**—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meaning hereby assigned to them respectively, that is to say—

“action”, “buyer” (except in relation to a conditional sale agreement), “delivery”, “goods”, “property”, “sale”, “seller” (except in relation to a conditional sale agreement) and “warranty” have the meanings assigned to them respectively by the Sale of Goods Act 1893 ;

1894 c. 71
(56 & 57 Vict.).

“appropriate trade premises”, in relation to a document, means premises at which either the owner or seller (as defined by section 11(5) of this Act) normally carries on a business, or goods of the description to which the document relates, or goods of a similar description, are normally offered or exposed for sale in the course of a business carried on at those premises ;

PART V

- “buyer”, in relation to a conditional sale agreement, means the person who agrees to purchase goods under the agreement and includes a person to whom the rights or liabilities of that person under the agreement have passed by assignment or by operation of law ;
- “conditional sale agreement”, “credit-sale agreement” and “hire-purchase agreement” have the meanings assigned to them by Part I of this Act ;
- “contract of guarantee”, in relation to a hire-purchase agreement, credit-sale agreement or conditional sale agreement, means a contract, made at the request (express or implied) of the hirer or buyer, either to guarantee the performance of the hirer’s or buyer’s obligations under the hire-purchase agreement, credit-sale agreement or conditional sale agreement, or to indemnify the owner or seller against any loss which he may incur in respect of that agreement, and “guarantor” shall be construed accordingly ;
- “hire-purchase price” (subject to subsection (2) of this section) means the total sum payable by the hirer under a hire-purchase agreement in order to complete the purchase of goods to which the agreement relates, exclusive of any sum payable as a penalty or as compensation or damages for a breach of the agreement ;
- “hirer” means the person who takes or has taken goods from an owner under a hire-purchase agreement and includes a person to whom the hirer’s rights or liabilities under the agreement have passed by assignment or by operation of law ;
- “notice of cancellation” has the meaning assigned to it by section 11(2) of this Act ;
- “owner” means the person who lets or has let goods to a hirer under a hire-purchase agreement and includes a person to whom the owner’s property in the goods or any of the owner’s rights or liabilities under the agreement has passed by assignment or by operation of law ;
- “seller”, in relation to a conditional sale agreement, means the person who agrees to sell goods under the agreement and includes a person (other than the buyer) to whom that person’s property in the goods or any of that person’s rights or liabilities under the agreement has passed by assignment or by operation of law ;
- “total purchase price” (subject to subsection (2) of this section) means the total sum payable by the buyer under a credit-sale agreement or a conditional sale

PART V

agreement, exclusive of any sum payable as a penalty or as compensation or damages for a breach of the agreement.

(2) For the purposes of this Act, any sum payable by the hirer under a hire-purchase agreement, or by the buyer under a conditional sale agreement, by way of a deposit or other initial payment, or credited or to be credited to him under the agreement on account of any such deposit or payment, whether that sum is to be or has been paid to the owner or seller or to any other person or is to be or has been discharged by a payment of money or by the transfer or delivery of goods or by any other means, shall form part of the hire-purchase price or total purchase price, as the case may be.

(3) In this Act "antecedent negotiations", in relation to a hire-purchase agreement, credit-sale agreement or conditional sale agreement, means any negotiations or arrangements with the hirer or buyer whereby he was induced to make the agreement or which otherwise promoted the transaction to which the agreement relates; and any reference in this Act to the person by whom any antecedent negotiations were conducted is a reference to the person by whom the negotiations or arrangements in question were conducted or made in the course of a business carried on by him.

(4) The last preceding subsection—

(a) shall have effect in relation to a document to which section 11 of this Act applies, but which does not constitute a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, as if references to the agreement and to making the agreement were references respectively to the document and to signing the document and any reference to the hirer or buyer were a reference to the prospective hirer or buyer (within the meaning of that section), and

(b) for the purposes of section 31(1) of this Act, shall have effect in relation to any offer to enter into a hire-purchase agreement, credit-sale agreement or conditional sale agreement as if any reference to the agreement were a reference to the offer and any reference to the hirer or buyer were a reference to the person making the offer.

(5) For the purposes of this Act any negotiations conducted, or arrangements or representations made, by a servant or agent, if conducted or made by him in the course of his employment or agency, shall be treated as conducted or made by his employer or principal; and anything received by a servant or agent, if

received by him in the course of his employment or agency, shall be treated as received by his employer or principal.

PART V

In this subsection "representations" has the same meaning as in section 16 of this Act, and references to making representations shall be construed accordingly.

(6) Without prejudice to the operation of section 1(2) of this Act, any reference in this Act to a document which constitutes a hire-purchase agreement, credit-sale agreement or conditional sale agreement shall be construed as including a reference to a document which together with one or more other documents constitutes such an agreement, and any reference to a document which, if executed by or on behalf of another person, would constitute such an agreement shall be construed accordingly.

(7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

59.—(1) This Act (including the repeals effected by this section) shall not have effect in relation to any hire-purchase agreement, credit-sale agreement or conditional sale agreement made before 1st January 1965. Transitional provisions, consequential amendments and repeals.

(2) Subject to the preceding subsection, this Act shall have effect in relation to agreements made before, as well as agreements made after, the commencement of this Act.

(3) The transitional provisions contained in Part I of Schedule 4 to this Act shall have effect; and, on the coming into operation of any Order in Council under section 3 of this Act, the transitional provisions in Part II of that Schedule shall have effect.

(4) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

(5) Subject to subsection (1) of this section and to the transitional provisions contained in Part I of Schedule 4 to this Act, the enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

60. The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). Saving for Interpretation Act 1889, s. 38. 1889 c. 63.

PART V
Commence-
ment.

61.—(1) Subject to the following provisions of this section, this Act shall come into operation on 1st October 1965 (in this section referred to as “the commencement date”).

1889 c. 63.

(2) This section, any provisions of this Act which confer any power to make regulations, or which (as construed in accordance with section 32(3) of the Interpretation Act 1889) confer any power to revoke or vary any regulations, and any provisions of this Act relating to the exercise of any such power, shall come into operation on the passing of this Act; but no regulations shall be made under this Act so as to come into operation before the commencement date.

(3) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the commencement date, and any reference to the date of the commencement of this Act is a reference to that date; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsection (2) of this section shall be disregarded for the purpose of construing that reference in accordance with section 36 of the Interpretation Act 1889 (which relates to the meaning of “commencement” with reference to an Act).

(4) The preceding provisions of this section shall have effect without prejudice to the generality of section 37 of the Interpretation Act 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act).

Short title
and extent.

62.—(1) This Act may be cited as the Hire-Purchase Act 1965.

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

SCHEDULES

SCHEDULE 1

Section 7.

NOTICE TO BE INCLUDED IN HIRE-PURCHASE AGREEMENT
NOTICE

Right of Hirer to terminate Agreement

1. The hirer may put an end to this agreement by giving notice of termination in writing to any person who is entitled to collect or receive the hire-rent.

2. He must then pay any instalments which are in arrear at the time when he gives notice. If, when he has paid those instalments, the total amount which he has paid under the agreement is less than (*here insert the minimum amount which the hirer is required to pay in accordance with the provisions of sections 28(1) and 55 of this Act*) he must also pay enough to make up that sum, unless the court determines that a smaller sum would be equal to the owner's loss.

3. If the goods have been damaged owing to the hirer having failed to take reasonable care of them, the owner may sue him for the amount of the damage unless that amount can be agreed between the hirer and the owner.

4. The hirer should see whether this agreement contains provisions allowing him to put an end to the agreement on terms more favourable to him than those just mentioned. If it does, he may put an end to the agreement on those terms.

Restriction of Owner's right to recover Goods

5. *[After (*here insert an amount calculated in accordance with the provisions of sections 33 and 55 of this Act*) has been paid, then.] unless the hirer has himself put an end to the agreement, the owner of the goods cannot take them back from the hirer without the hirer's consent unless the owner obtains an order of the court.

6. If the owner applies to the court for such an order, the court may, if the court thinks it just to do so, allow the hirer to keep either—

- (a) the whole of the goods, on condition that the hirer pays the balance of the price in the manner ordered by the court ;
or
- (b) a fair proportion of the goods having regard to what the hirer has already paid.

* If the agreement is a subsequent agreement to which section 47 of this Act applies, the words in square brackets should be omitted.

Section 7.

SCHEDULE 2

NOTICE TO BE INCLUDED IN CONDITIONAL SALE AGREEMENT
NOTICE

Right of Buyer to terminate Agreement

1. The buyer may put an end to this agreement by giving notice of termination in writing to any person who is entitled to collect or receive the instalments of the purchase price.

2. He must then pay any instalments which are in arrear at the time when he gives notice. If, when he has paid those instalments, the total amount which he has paid under the agreement is less than (*here insert the minimum amount which the buyer is required to pay in accordance with the provisions of sections 28(1) and 55 of this Act*) he must also pay enough to make up that sum, unless the court determines that a smaller sum would be equal to the seller's loss.

3. If the goods have been damaged owing to the buyer having failed to take reasonable care of them, the seller may sue him for the amount of the damage unless that amount can be agreed between the buyer and the seller.

4. The buyer should see whether this agreement contains provisions allowing him to put an end to the agreement on terms more favourable to him than those just mentioned. If it does, he may put an end to the agreement on those terms.

Restriction of Seller's right to recover Goods

5. **[After (here insert an amount calculated in accordance with the provisions of sections 33 and 55 of this Act) has been paid, then,]* unless the buyer has himself put an end to the agreement, the seller of the goods cannot take them back from the buyer without the buyer's consent unless the seller obtains an order of the court.

6. If the seller applies to the court for such an order, the court may, if the court thinks it just to do so, allow the buyer to keep either—

(a) the whole of the goods, on condition that the buyer pays the balance of the price in the manner ordered by the court; or

(b) a fair proportion of the goods having regard to what the buyer has already paid.

*** If the agreement is a subsequent agreement to which section 47 of this Act applies, the words in square brackets should be omitted.**

SCHEDULE 3

Section 46.

RECOVERY OF POSSESSION, AND MONEY CLAIMS,
AFTER DEATH OF HIRER OR BUYER*Circumstances to which this Schedule applies*

1. The provisions of this Schedule shall have effect where goods have been let under a hire-purchase agreement, and at any time after the death of a person who, immediately before his death, was the hirer in relation to that agreement (in this Schedule referred to as "the deceased hirer") the following circumstances exist, that is to say—

- (a) the goods have not been delivered to the owner, and a person (in this Schedule referred to as "the person in possession") who is neither the owner of the goods nor a personal representative of the deceased hirer is in possession of the goods ;
- (b) no order for the specific delivery of the goods or of any part of them has been made against the deceased hirer under Part III of this Act, or, if such an order has been made, its operation has been postponed and the postponement has not been revoked by the court ;
- (c) no order under Part III of this Act for the specific delivery of the goods or of any part of them has (whether in pursuance of this Schedule or otherwise) been made against any person since the death of the deceased hirer.

2. The provisions of this Schedule shall also have effect where goods have been agreed to be sold under a conditional sale agreement, and at any time after the death of a person who, immediately before his death, was the buyer in relation to that agreement (in this Schedule referred to as "the deceased buyer") the following circumstances exist, that is to say—

- (a) the goods have not been delivered to the seller, and a person (in this Schedule referred to as "the person in possession") who is neither the seller nor a personal representative of the deceased buyer is in possession of the goods ;
- (b) no order for the specific delivery of the goods or of any part of them has been made against the deceased buyer under Part III of this Act, or, if such an order has been made, its operation has been postponed and the postponement has not been revoked by the court ;
- (c) no order under Part III of this Act for the specific delivery of the goods or of any part of them has (whether in pursuance of this Schedule or otherwise) been made against any person since the death of the deceased buyer.

3. Expressions to which a meaning is assigned by Part III of this Act have the same meanings in this Schedule as in that Part of this Act.

Restriction on right to recover possession of protected goods

4. At any time when the circumstances specified in paragraph 1 or paragraph 2 of this Schedule exist, and the goods are protected

SCH. 3

goods, the owner (where the agreement is a hire-purchase agreement) or the seller (where it is a conditional sale agreement) shall not enforce any right to recover possession of the goods from the person in possession otherwise than by action.

5. In sections 34(2) and 35(1) of this Act (including those provisions as applied by section 45 of this Act to conditional sale agreements) any reference to contravention of section 34(1) of this Act shall include a reference to contravention of paragraph 4 of this Schedule; and accordingly, if the owner or seller recovers possession of goods in contravention of that paragraph, a personal representative of the deceased hirer or the deceased buyer, as the case may be, shall (without prejudice to any other right exercisable by him as the hirer or buyer in relation to the agreement) be entitled to recover from the owner or seller, in an action for money had and received, all sums paid by the hirer or buyer under the agreement or under any security given by him in respect thereof.

Action for possession, and money claims, by owner

6.—(1) In subsections (2) to (6) of section 35, in sections 36 to 44 and in sections 49 and 50 of this Act—

(a) any reference to an action to which section 35 of this Act applies shall include a reference to any action to which sub-paragraph (2) of this paragraph applies, and

(b) any reference to an action to enforce a right to recover possession of protected goods from the hirer shall include a reference to an action to enforce a right to recover possession of protected goods from the person in possession in the circumstances specified in paragraph 1 of this Schedule.

(2) This sub-paragraph applies to any action brought by the owner, in the circumstances specified in paragraph 1 of this Schedule, to enforce a right to recover possession of protected goods from the person in possession, where the owner has not previously, in contravention of section 34(1) of this Act or of paragraph 4 of this Schedule, recovered possession of part of the goods let under the agreement.

(3) In any action to which sub-paragraph (2) of this paragraph applies, the court (without prejudice to any other power exercisable by the court) may—

(a) on the application of any party to the action, adjourn the action to enable a grant of probate or letters of administration to be obtained, and, if such a grant is obtained by a person who is not a party to the action, to enable that person to be made a party thereto, or

(b) on the application of any person who is not a party to the action, but who satisfies the court that he is a personal representative of the deceased hirer or that he intends to apply for letters of administration in respect of his estate, adjourn the action to enable that person to be made a party to the action, and, if he has not obtained a grant of probate or letters of administration, to enable him to obtain such a grant.

(4) Section 36(1) of this Act shall not apply to any such action.

SCH. 3

(5) Section 48 of this Act shall apply to any action to enforce a right to recover possession of goods from the person in possession as if in that section any reference to the hirer or buyer were a reference to the person in possession.

Action for possession, and money claims, by seller

7.—(1) In subsections (2) to (6) of section 35, in sections 36 to 44 and in sections 49 and 50 of this Act—

- (a) any reference to an action to which section 35 of this Act applies shall include a reference to any action to which sub-paragraph (2) of this paragraph applies, and
- (b) any reference to an action to enforce a right to recover possession of protected goods from the buyer shall include a reference to an action to enforce a right to recover possession of protected goods from the person in possession in the circumstances specified in paragraph 2 of this Schedule.

(2) This sub-paragraph applies to any action brought by the seller, in the circumstances specified in paragraph 2 of this Schedule, to enforce a right to recover possession of protected goods from the person in possession, where the seller has not previously, in contravention of section 34(1) of this Act or of paragraph 4 of this Schedule, recovered possession of part of the goods agreed to be sold under the agreement.

(3) In any action to which sub-paragraph (2) of this paragraph applies, the court (without prejudice to any other power exercisable by the court) may—

- (a) on the application of any party to the action, adjourn the action to enable a grant of probate or letters of administration to be obtained, and, if such a grant is obtained by a person who is not a party to the action, to enable that person to be made a party thereto, or
- (b) on the application of any person who is not a party to the action, but who satisfies the court that he is a personal representative of the deceased buyer or that he intends to apply for letters of administration in respect of his estate, adjourn the action to enable that person to be made a party to the action, and, if he has not obtained a grant of probate or letters of administration, to enable him to obtain such a grant.

(4) Section 36(1) of this Act shall not apply to any such action.

(5) Section 48 of this Act shall apply to any action to enforce a right to recover possession of goods from the person in possession as if in that section any reference to the hirer or buyer were a reference to the person in possession.

(6) In the preceding provisions of this paragraph references to any provisions of sections 35 to 44 of this Act are references to those provisions as applied by section 45 of this Act to conditional sale agreements.

SCH. 3

Recovery of possession where postponed order previously made against deceased hirer or buyer

8.—(1) Where the circumstances specified in paragraph 1 or paragraph 2 of this Schedule exist, in a case where—

(a) an order for the specific delivery of the goods has been made under Part III of this Act in an action against the deceased hirer or the deceased buyer, and

(b) the operation of that order has been postponed,

then, notwithstanding anything in paragraph 4 of this Schedule, any right of the owner or seller to recover possession of the goods from the person in possession shall be enforceable in that action (and not in an action against that person) and shall be so enforceable by an application for the issue of a warrant of delivery.

(2) The court may adjourn any such application in the like circumstances, and for the like purposes, as in accordance with paragraph 6(3) or paragraph 7(3) of this Schedule it could adjourn an action to which paragraph 6(2) or (as the case may be) paragraph 7(2) of this Schedule applies.

Section 59.

SCHEDULE 4

TRANSITIONAL PROVISIONS

PART I

GENERAL TRANSITIONAL PROVISIONS

1. In so far as any regulation, order, appropriation or request made, payment made or recovered, information given, notice, copy or other document delivered or sent, or other thing done, under an enactment repealed by this Act could have been made, recovered, given, delivered, sent or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section 59(5) of this Act, but shall have effect as if made, recovered, given, delivered, sent or done under that corresponding provision:

Provided that this paragraph shall not apply to any regulations revoked as from the commencement of this Act in the exercise of the powers conferred by section 57(4) of this Act.

2. Where any Act (whether passed before, or in the same Session as, this Act) or any document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

3. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

SCH. 4

4. Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding provisions of the enactments repealed by this Act.

5. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

PART II

TRANSITIONAL PROVISIONS APPLICABLE TO ORDERS IN COUNCIL UNDER SECTION 3

6. Where an Order in Council is made under section 3, the provisions of Parts II, III and IV of this Act, and of Schedules 1 to 3 to this Act, shall not, except as provided by the following provisions of this Part of this Schedule, have effect in relation to—

- (a) any hire-purchase agreement or conditional sale agreement made before the operative date which is by virtue of the Order included in references to which section 2(2) applies, but would not be so included apart from the Order, or
- (b) any credit-sale agreement made before that date which is by virtue of the Order included in references to which section 2(3) or section 2(4) applies, but would not be so included apart from the Order.

7. Notwithstanding anything in the last preceding paragraph, in relation to any hire-purchase agreement or conditional sale agreement made before the operative date which (not being excluded by section 4) is by virtue of the Order included in references to which section 2(2) applies, but would not be so included apart from the Order,—

- (a) sections 25, 26 and 53(1) shall apply, except in the case of a default committed before the operative date ;
- (b) section 30 shall apply where the hirer or buyer dies on or after that date ;
- (c) sections 33 and 47 shall apply in relation to any time on or after that date ;
- (d) section 34 shall apply in relation to the recovery of possession of protected goods on or after that date ;
- (e) the provisions of Part III of this Act (other than sections 33, 34, 46 and 47) shall apply in relation to actions begun on or after that date ;

SCH. 4

- (f) the provisions of sections 46 and 52(2), and of Schedule 3 to this Act, shall apply where the hirer or buyer dies on or after that date ;
- (g) section 51 shall apply so far as it relates to payments made on or after that date ;
- (h) section 52(1) shall apply so far as it relates to a refusal to give up possession of goods on or after that date ;
- (i) section 53(2) shall apply where the order of the court is made on or after that date ;
- (j) section 53(3) shall apply where the agreement is terminated, or the action in question is begun, on or after that date.

8.—(1) The provisions of this paragraph shall have effect in relation to any such agreement as is mentioned in the last preceding paragraph where—

- (a) the owner or seller has, as part of the consideration for the hire-purchase price or total purchase price, carried out any installation in relation to the goods let or agreed to be sold under the agreement, and
- (b) the owner or seller has served on the hirer or buyer a notice specifying a sum not exceeding the expense of the installation.

(2) For the purposes of the application to the agreement of the provisions of section 33(1)(b) or section 47(1), any reference in those provisions to one-third of the hire-purchase price or total purchase price shall, in relation to—

- (a) the recovery of possession of goods after the end of the period of twenty-eight days from the service of the notice under the preceding sub-paragraph, and
- (b) any action begun after the end of that period,

be construed as a reference to the aggregate of the sum specified in the notice and one-third of the amount which remains after deducting that sum from the hire-purchase price or total purchase price.

(3) In this paragraph “installation” has the meaning assigned to it by section 55(2).

9. Any reference in this Part of this Schedule to a numbered section shall be construed as a reference to the section bearing that number in this Act.

10. In this Part of this Schedule “the operative date”, in relation to an Order in Council, means the date on which the Order comes into operation.

SCHEDULE 5
ENACTMENTS AMENDED

Section 59.

Enactment	Amendment
The Liability for War Damage (Miscellaneous Provisions) Act 1939 (2 & 3 Geo. 6. c. 102).	In section 1(3), for the words "a hire-purchase agreement to which the Hire-Purchase Act 1938 applies" there shall be substituted the words "an agreement which is a hire-purchase agreement for the purposes of any provisions of Part II of the Hire-Purchase Act 1965, as construed in accordance with Part I of that Act."
The Agriculture (Miscellaneous Provisions) Act 1950 (14 Geo. 6. c. 17).	In section 1(4), for the words "in the Hire-Purchase Act 1938" there shall be substituted the words "by section 1 of the Hire-Purchase Act 1965".
The Rag Flock and Other Filling Materials Act 1951 (14 & 15 Geo. 6. c. 63).	In section 10(7), for the words "contract of hire-purchase within the meaning of the Hire-Purchase Act 1938", in the first place where those words occur, there shall be substituted the words "hire-purchase agreement as defined by section 1 of the Hire-Purchase Act 1965".
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65).	In section 4(6), for the words "section twenty-one of the Hire-Purchase Act 1938" there shall be substituted the words "sections 1 and 58(1) of the Hire-Purchase Act 1965".
The Clean Air Act 1956 (4 & 5 Eliz. 2. c. 52).	In section 34(1), in the definition of "hire-purchase agreement" for the words "section twenty-one of the Hire-Purchase Act 1938" there shall be substituted the words "section 1 of the Hire-Purchase Act 1965".
The Restrictive Trade Practices Act 1956 (4 & 5 Eliz. 2. c. 68).	In section 26, in subsection (3), for the words from "within the meaning" to the end of the subsection there shall be substituted the words "as defined by section 1 of the Hire-Purchase Act 1965".

SCH. 5

Enactment	Amendment
The Housing Act 1957 (5 & 6 Eliz. 2. c. 56).	In section 94, for the words " same meaning as in the Hire-Purchase Act 1938 " there shall be substituted the words " meaning assigned to it by section 1 of the Hire-Purchase Act 1965 ".
The Consumer Protection Act 1961 (9 & 10 Eliz. 2. c. 40).	In section 5, in the definition of " hire-purchase agreement " for the words " same meaning as in the Hire-Purchase Act 1938 " there shall be substituted the words " meaning assigned to it by section 1 of the Hire-Purchase Act 1965 ".
The Vehicles (Excise) Act 1962 (10 & 11 Eliz. 2. c. 13).	In section 24(1), in the definition of " hackney carriage ", for the words " section twenty-one of the Hire-Purchase Act 1938 ", there shall be substituted the words " section 1 of the Hire-Purchase Act 1965 ".
The Hire-Purchase Act 1964 (1964 c. 53).	<p>In section 29(1), for the words " section 21(5) of, and paragraph 6 of Schedule 1 to, this Act ", and for the words " section 21(1) of the Hire-Purchase Act 1938 ", there shall in each case be substituted the words " sections 1 and 58(1) of the Hire-Purchase Act 1965 ".</p> <p>In section 29(4), in paragraph (a), for the words " the Hire-Purchase Act 1938 " there shall be substituted the words " the Hire-Purchase Act 1965 " and for " 13(1) " there shall be substituted " 38(1) "; and in paragraph (b), for the words from " in relation to that agreement " to " this Act) " there shall be substituted the words " the buyer in relation to that agreement for the purposes of the Hire-Purchase Act 1965 ", and for the words from " section 13(1) " to " that Schedule) " there shall be substituted the words " the provision substituted for section 38(1) of that Act by section 45(3) thereof ".</p>

SCHEDULE 6

Section 59.

ENACTMENTS REPEALED

Chapter	Short title	Extent of repeal
1 & 2 Geo. 6. c. 53.	The Hire-Purchase Act 1938.	The whole Act.
2 & 3 Eliz. 2. c. 51.	The Hire-Purchase Act 1954.	The whole Act.
1964 c. 53.	The Hire-Purchase Act 1964.	Part I. Sections 33, 34(2) and (3), 35(1), 37(2) and (4). Schedule 1. Schedule 4, except so much of it as relates to the Advertisements (Hire- Purchase) Act 1957. Schedules 5 and 6.

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Hire-Purchase (Scotland) Act 1965

1965 CHAPTER 67

An Act to consolidate certain enactments relating to hire-purchase, credit-sale and conditional sale agreements in Scotland. [5th August 1965]

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

PART I

AGREEMENTS TO WHICH PARTS II, III AND IV OF ACT APPLY

1. In this Act (subject to the following provisions of this Part of this Act)—

“hire-purchase agreement” means any contract, in whatever terms it may be expressed and whether it be truly one of sale or hire, whereby goods are taken on hire by one person from another person in consideration of periodical payments to be made by the first mentioned person to the other person, with an option to the first mentioned person to become the buyer of the goods;

“credit-sale agreement” means an agreement for the sale of goods under which the purchase price is payable by five or more instalments, not being a conditional sale agreement;

“conditional sale agreement” means an agreement for the sale of goods under which the purchase price or part of it is payable by instalments, and the property in the goods is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled.

Meaning of
“hire-purchase
agreement”,
“credit-sale
agreement”
and “condi-
tion sale
agreement”.

PART I
Limits of
value for
purposes of
Parts II, III
and IV.

2.—(1) Subject to the following provisions of this Part of this Act, references in Parts II, III and IV of this Act to hire-purchase agreements and to conditional sale agreements, and references in Part II of this Act to credit-sale agreements, shall be construed in accordance with the following provisions of this section.

(2) References in Parts II, III and IV of this Act to a hire-purchase agreement or a conditional sale agreement shall be construed respectively as references to a hire-purchase agreement (as defined by the preceding section) or a conditional sale agreement (as so defined) under which the hire-purchase price or total purchase price, as the case may be, does not exceed £2,000.

(3) In Part II of this Act, except in any provision to which the next following subsection applies, any reference to a credit-sale agreement shall be construed as a reference to a credit-sale agreement (as defined by the preceding section) under which the total purchase price—

- (a) exceeds £30, but
- (b) does not exceed £2,000.

(4) In any provision of Part II of this Act to which this subsection is expressed to apply, any reference to a credit-sale agreement shall be construed as a reference to a credit-sale agreement (as defined by the preceding section) under which the total purchase price does not exceed £2,000.

Power to
increase upper
limit of value.

3.—(1) If it appears to Her Majesty in Council that the limit specified in subsections (2), (3)(b) and (4) of section 2 of this Act (whether as originally enacted or as previously amended under this section) should be raised, or further raised, as the case may be, Her Majesty may by Order in Council direct that section 2 of this Act shall be amended or further amended so as to substitute, for the sum so specified, such larger sum as may be specified in the Order.

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

(3) Any Order in Council made under this section may be revoked by a subsequent Order in Council under this section which substitutes a larger sum for the sum specified in the Order which is thereby revoked.

4. Notwithstanding anything in section 2 of this Act, references in Parts II, III and IV of this Act to hire-purchase agreements and to conditional sale agreements, and references in Part II of this Act to credit-sale agreements, do not include any agreement which is made by or on behalf of a body corporate (whether incorporated in the United Kingdom or elsewhere) as the hirer or buyer of the goods to which the agreement relates.

PART I
Exclusion of certain agreements from Parts II, III and IV.

PART II

GENERAL PROVISIONS

Requirements in connection with making agreements

5.—(1) Where goods are let under a hire-purchase agreement, or are sold, or agreed to be sold, under a credit-sale agreement or a conditional sale agreement, then (subject to the exercise of any power of the court under section 10 of this Act) the owner or seller shall not be entitled to enforce the agreement unless—

Enforcement conditional on compliance with specified requirements.

(a) the agreement is signed by the hirer or buyer, and by or on behalf of all other parties to the agreement, and

(b) the requirements of sections 6 and 7 of this Act, and the requirements of section 8 or (as the case may be) section 9 of this Act, are complied with.

(2) Where by virtue of the preceding subsection the owner or seller is not entitled to enforce an agreement—

(a) he shall not be entitled to enforce any contract of guarantee relating to that agreement;

(b) no security given by the hirer or buyer in respect of money payable under the agreement, or given by a guarantor in respect of money payable under a contract of guarantee relating to the agreement, shall be enforceable against the hirer or buyer, or against the guarantor, as the case may be, by the holder of such a security; and

(c) if it is a hire-purchase agreement or a conditional sale agreement, the owner or seller shall not be entitled to enforce any right to recover the goods from the hirer or buyer.

6.—(1) The requirements of this section, in relation to an agreement, are that, before the agreement is made,—

Requirements as to cash price.

(a) the cash price of the goods has been stated in writing to the hirer or buyer by the owner or seller, otherwise than in the agreement, or

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(b) if the hirer or buyer has inspected the goods or like goods, then, at the time of his inspection, tickets or labels were attached to or displayed with the goods clearly stating the cash price, either of the goods as a whole or of all the different articles or sets of articles comprised therein, or

(c) the hirer or buyer has selected the goods by reference to a catalogue, price list or advertisement which clearly stated the cash price, either of the goods as a whole or of all the different articles or sets of articles comprised therein.

(2) In this Part of this Act "cash price", in relation to any goods, means the price at which the goods may be purchased by the hirer or buyer for cash.

Requirements
as to contents
and form of
agreements.

7.—(1) The requirements of this section, in relation to an agreement, are that—

- (a) the agreement contains a statement of the hire-purchase price or total purchase price, as the case may be, and of the cash price of the goods to which the agreement relates, and of the amount of each instalment by which the hire-purchase price or total purchase price is to be paid, and of the date, or the mode of determining the date, on which each instalment is payable;
- (b) the agreement contains a list of the goods to which the agreement relates sufficient to identify them;
- (c) the agreement, at the time when it is signed by the hirer or buyer, complies with the requirements of any regulations made under subsection (2) of this section;
- (d) the agreement complies with the requirements of any regulations made under section 32 of this Act; and
- (e) if it is a hire-purchase agreement or a conditional sale agreement, it contains a notice, which is at least as prominent as the rest of the contents of the agreement, in the terms set out in Schedule 1 or (as the case may be) Schedule 2 to this Act.

(2) The Board of Trade may by regulations provide that, in any document which, on being signed as mentioned in section 5(1)(a) of this Act, constitutes a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, the signature of the hirer or buyer shall be inserted in a space marked in such manner, and accompanied in the document by such words, as may be specified in the regulations; and the regulations may include provision as to the location of those

words in relation to the space in which the signature is inserted, and may prescribe such other requirements (whether as to type, size, colour or disposition of lettering or otherwise) as the Board may consider appropriate for securing that the words come to the attention of the hirer or buyer at the time when he is about to sign the document.

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8.—(1) The requirements of this section, in relation to an agreement which is signed by the hirer or buyer at appropriate trade premises, are that copies are delivered or sent to the hirer or buyer in accordance with the following provisions of this section.

Requirements as to copies where hirer or buyer signs at appropriate trade premises.

(2) If either—

- (a) the agreement is signed by or on behalf of all other parties immediately after it is signed by the hirer or buyer, and a copy of the agreement is there and then delivered to him, or
- (b) the agreement having been signed by or on behalf of all other parties before it is signed by the hirer or buyer, a copy of the agreement is delivered to him immediately after he signs the agreement,

and (in either case) the copy so delivered complies with the requirements of any regulations made under section 32 of this Act, the delivery of that copy shall be taken to have fulfilled the requirements of this section in relation to that agreement.

(3) If, in a case not falling within paragraph (a) or paragraph (b) of the last preceding subsection,—

(a) either—

(i) the relevant document was presented, and not sent, to the hirer or buyer for his signature, and immediately after he signed it there was delivered to him a copy of that document in the form in which it then was, or

(ii) the relevant document was sent to the hirer for his signature, and at the time when it was sent there was also sent to him a copy of that document in the form in which it then was, and

- (b) in either case, a copy of the agreement is delivered or sent to the hirer or buyer within seven days of the making of the agreement,

then, if each copy delivered or sent to the hirer or buyer as mentioned in paragraph (a) or paragraph (b) of this subsection complies with the requirements of any regulations made under

PART II section 32 of this Act, the delivery or sending of those copies shall be taken to have fulfilled the requirements of this section in relation to that agreement.

(4) In this and the next following section "the relevant document" means the document which, on being signed by the hirer or buyer and by or on behalf of all other parties to the agreement, became the hire-purchase agreement, credit-sale agreement or conditional sale agreement, as the case may be.

Requirements as to copies where hirer or buyer signs elsewhere than at appropriate trade premises.

9.—(1) The requirements of this section, in relation to an agreement which is signed by the hirer or buyer at a place other than appropriate trade premises, are that copies are delivered or sent to the hirer or buyer in accordance with the following provisions of this section.

(2) A copy of the relevant document (in this Part of this Act referred to as "the first statutory copy") must be delivered or sent to the hirer or buyer as follows, that is to say—

- (a) if the relevant document is presented, and not sent, to the hirer or buyer for his signature, a copy of that document, in the form in which it then is, must be delivered to him immediately after he signs it;
- (b) if the relevant document is sent to the hirer or buyer for his signature, a copy of that document, in the form in which it then is, must be sent to him at the time when that document is sent,

(3) Within seven days of the making of the agreement, a copy of the agreement (in this Part of this Act referred to as "the second statutory copy") must be sent by post to the hirer or buyer.

(4) The first statutory copy and the second statutory copy must each contain such a statement of the rights of the hirer or buyer under section 11 of this Act, and of matters relating to or consequential upon the exercise of those rights, as may be prescribed by regulations made by the Board of Trade; and that statement must be so contained in such position, and must comply with such other requirements (whether as to type, size, colour or disposition of lettering or otherwise) as may be so prescribed.

(5) Any statement which, in accordance with regulations made under the last preceding subsection, is contained either in the first statutory copy or in the second statutory copy must specify the name of a person to whom, and an address to which, notice of cancellation may be sent; and (without

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prejudice to any other respect in which, in accordance with section 53(3) of this Act, the regulations may make different provision as between the first statutory copy and the second statutory copy, or as between copies delivered and copies sent) different names and addresses may be so specified in the first statutory copy and the second statutory copy of the same document.

(6) The first statutory copy and the second statutory copy must each comply with the requirements of any regulations made under section 32 of this Act.

10.—(1) Subject to the following provisions of this section, if in any action the court is satisfied that a failure to comply with any of the requirements specified in sections 6 to 9 of this Act has not prejudiced the hirer or buyer, and that it would be just and equitable to dispense with the requirement, the court may, subject to any conditions that it thinks fit to impose, dispense with that requirement for the purposes of the action. Power of court to dispense with requirements of sections 6 to 9.

(2) The power conferred by the preceding subsection shall not be exercisable in relation to the requirement specified in section 9(3) of this Act except where the second statutory copy has been sent to the hirer or buyer but not within the period of seven days of the making of the agreement.

(3) The power conferred by subsection (1) of this section shall not be exercisable in relation to the requirement imposed by section 9(4) of this Act.

(4) For the avoidance of doubt it is hereby declared that in subsection (1) of this section the reference to the requirements specified in sections 6 to 9 of this Act includes the requirements of any regulations made under section 32 of this Act, in so far as any such requirements relate to hire-purchase agreements, credit-sale agreements and conditional sale agreements, or to copies delivered or sent as mentioned in section 8 or section 9 of this Act.

Right of cancellation

11.—(1) The provisions of this section shall have effect where a person (in this section referred to as “the prospective hirer or buyer”) signs a document (in this section referred to as “the relevant document”) which— Notice of cancellation.

(a) constitutes a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, or

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(b) would constitute such an agreement if executed by or on behalf of another person as owner or seller of the goods to which it relates,

and (in either case) the relevant document is signed by the prospective hirer or buyer at a place other than appropriate trade premises.

(2) At any time after he has signed the relevant document and before the end of the period of four days beginning with the day on which he receives the second statutory copy, the prospective hirer or buyer may serve a notice under this section (in this Act referred to as a "notice of cancellation")—

(a) on the owner or seller, or

(b) on any person who (whether by virtue of section 12(3) of this Act or otherwise) is the agent of the owner or seller for the purpose of receiving such a notice.

(3) A notice of cancellation served as mentioned in the last preceding subsection shall have effect if, however expressed, it indicates the intention of the prospective hirer or buyer to withdraw from the transaction to which the relevant document relates.

(4) Where the prospective hirer or buyer serves a notice of cancellation, then—

(a) if, at the time when that notice is served, the relevant document constitutes a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, the service of the notice shall operate so as to rescind that agreement ;

(b) in any other case, the service of the notice shall operate as a withdrawal of any offer to enter into such an agreement which is contained in, or implied by, the relevant document, and as notice to the owner or seller that any such offer is withdrawn.

(5) In this section "owner or seller", in relation to the relevant document, means the person who, at the time when the document is signed by the prospective hirer or buyer, is specified in the document as the person who is to let the goods on hire to him or to sell the goods to him, as the case may be :

Provided that, if no person is so specified at that time, any person by whom, or on whose behalf, the document is executed at any subsequent time, and who is then specified in the document as the person letting or selling the goods, shall for the purposes of this section be deemed to be, and at all material times to have been, the owner or seller in relation to that document.

(6) In sections 12 to 15 of this Act “the prospective hirer or buyer”, “the relevant document” and “owner or seller” have the same meanings as in this section.

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12.—(1) For the purposes of section 11 of this Act a notice of cancellation—

Service of notice of cancellation.

(a) shall be deemed to be served on the owner or seller if it is sent by post addressed to a person specified in a statement contained either in the first statutory copy or in the second statutory copy of the relevant document as being a person to whom such a notice may be sent, and is addressed to that person at an address so specified, and

(b) where the preceding paragraph applies, shall be deemed to be served on the owner or seller at the time when it is posted.

(2) The preceding subsection shall have effect without prejudice to the service of a notice of cancellation (whether by post or otherwise) in any way in which the notice could be served apart from that subsection, whether the notice is served on the owner or seller or on a person who (whether by virtue of the next following subsection or otherwise) is the agent of the owner or seller for the purpose of receiving such a notice.

(3) Any person who conducted any antecedent negotiations, but is not the owner or seller, shall be deemed to be the agent of the owner or seller for the purpose of receiving any notice of cancellation served by the prospective hirer or buyer.

(4) A notice of cancellation which is sent by post to a person at his proper address, otherwise than in accordance with subsection (1) of this section, shall be deemed to be served on him at the time when it is posted.

(5) So much of section 26 of the Interpretation Act 1889 as relates to the time when service is deemed to have been effected shall not apply to a notice of cancellation. 1889 c. 63.

13.—(1) The provisions of this section shall have effect where a notice of cancellation is served, and at any time, whether before or after the service of that notice, any of the goods to which the relevant document relates are in the possession of the prospective hirer or buyer, having come into his possession in consequence, or in anticipation, of his signing that document. Re-delivery, and interim care, of goods comprised in notice of cancellation.

(2) The prospective hirer or buyer shall not be under any obligation (whether arising by contract or otherwise) to deliver the goods except at his own premises and in pursuance of a request in writing signed by or on behalf of the person entitled to possession of the goods and served on the prospective hirer or buyer either before, or at the time when, the goods are

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collected from his premises ; and any such obligation shall be subject to any lien, or other right to retain the goods, which he may have under section 14(2) or section 15(3) of this Act.

(3) If the prospective hirer or buyer—

(a) delivers the goods (whether at his own premises or elsewhere) to an authorised person, or to a person designated for the purpose by an authorised person, or

(b) sends the goods at his own expense to an authorised person,

he shall be taken to have done so with the consent of that authorised person and (if that person is not for the time being entitled to possession of the goods) with the consent of the person who is so entitled, and shall be discharged from any obligation (whether arising by contract or otherwise) to retain the goods or to deliver them to any person so entitled.

(4) Subject to the following provisions of this section, the prospective hirer or buyer shall be under an obligation to take reasonable care of the goods until the end of the period of twenty-one days beginning with the date of service of the notice of cancellation.

(5) Where the prospective hirer or buyer delivers the goods as mentioned in paragraph (a) of subsection (3) of this section, his obligation to take care of the goods shall thereupon cease ; and if he sends the goods to an authorised person as mentioned in paragraph (b) of that subsection, he shall be under an obligation to take reasonable care to see that they are received by that person and are not damaged in transit to him, but in other respects his obligation to take care of the goods shall cease on his sending the goods to that person.

(6) Where, at any time during the period of twenty-one days mentioned in subsection (4) of this section, the prospective hirer or buyer receives such a request as is mentioned in subsection (2) of this section, and unreasonably refuses or unreasonably fails to comply with it, his obligation to take reasonable care of the goods shall continue until he delivers or sends the goods as mentioned in paragraph (a) or paragraph (b) of subsection (3) of this section.

(7) Any obligation under subsections (4) to (6) of this section shall be owed to the person for the time being entitled to possession of the goods, and any breach of that obligation shall be actionable, at the instance of that person, as a breach of statutory duty.

(8) Except as provided by subsections (4) to (7) of this section, the prospective hirer or buyer shall not be under any obligation (whether arising by contract or otherwise) to take

care of the goods by reason of their having come into his possession as mentioned in subsection (1) of this section.

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(9) In this section "authorised person" means a person falling within any one or more of the following descriptions, that is to say—

- (a) the person who conducted any antecedent negotiations in pursuance of which the prospective hirer or buyer signed the relevant document ;
- (b) the person for the time being entitled to possession of the goods ;
- (c) the owner or seller ;
- (d) any person who is specified, as mentioned in section 12(1)(a) of this Act, as a person to whom a notice of cancellation may be sent,

and any reference to the premises of the prospective hirer or buyer is a reference to the premises which in the relevant document are specified as his address.

14.—(1) Where a notice of cancellation operates so as to rescind a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement,—

Further consequences of notice of cancellation.

- (a) that agreement, and any contract of guarantee relating thereto, shall be deemed never to have had effect, and
- (b) any security given by the prospective hirer or buyer in respect of money payable under the agreement, or given by a guarantor in respect of money payable under such a contract of guarantee, shall be deemed never to have been enforceable.

(2) On the service of a notice of cancellation, any sum which—

- (a) has been paid by the prospective hirer or buyer in respect of the goods to which the relevant document relates, whether it has been paid before the signature of the document or in pursuance of any provision contained in that document, and
- (b) is comprised (or would, if the document constituted a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, be comprised), in the hire-purchase price or total purchase price or (if it is not or would not be so comprised) has in pursuance of any antecedent negotiations been paid to, or for the benefit of, the owner or seller, or has in pursuance of any such negotiations been paid to, or for the benefit of, any person (other than the owner or seller) who conducted those negotiations,

shall be recoverable by the prospective hirer or buyer from the person to whom it has been paid ; and, if the prospective

PART II hirer or buyer is in possession of those goods, he shall have a lien on them for any sum which he is entitled to recover by virtue of this subsection.

(3) Any obligation to pay any sum which, if it had been paid before the service of a notice of cancellation, would have been recoverable by the prospective hirer or buyer under the last preceding subsection, shall be extinguished on the service of such a notice.

Effect of notice of cancellation where goods given in part-exchange.

15.—(1) The provisions of this section shall have effect where a notice of cancellation is served, and, in pursuance of any antecedent negotiations conducted by him, a person (in this section referred to as “the dealer”) has agreed to take goods in part-exchange and those goods have been delivered to the dealer.

(2) Unless, before the end of the period of ten days beginning with the date of service of the notice of cancellation, the goods in question are delivered to the prospective hirer or buyer, and are then in a condition which is substantially as good as when they were delivered to the dealer, the prospective hirer or buyer shall be entitled to recover from the dealer a sum equal to the part-exchange allowance.

(3) During the period of ten days referred to in the last preceding subsection the prospective hirer or buyer, if he is in possession of the goods to which the relevant document relates, shall be entitled to retain possession of them until either—

- (a) the goods agreed to be taken in part-exchange are delivered to him in such a condition as is mentioned in that subsection, or
- (b) a sum equal to the part-exchange allowance is paid to him;

and if, immediately before the end of that period, he continues by virtue of this subsection to be entitled to retain possession of the goods to which the relevant document relates, he shall have a lien on those goods for any sum which he is entitled to recover by virtue of the last preceding subsection.

(4) Where the prospective hirer or buyer recovers from the dealer a sum equal to the part-exchange allowance, then, if the title of the prospective hirer or buyer to the goods agreed to be taken in part-exchange has not vested in the dealer, that title shall so vest on the recovery of that sum.

(5) For the purposes of this section—

- (a) the dealer shall be taken to have agreed to take goods in part-exchange if, in pursuance of the antecedent

negotiations, he has either purchased or agreed to purchase those goods or has accepted or agreed to accept them as part of the consideration for the transaction to which the relevant document relates, and

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- (b) the part-exchange allowance shall be taken to be the sum which, in the antecedent negotiations, was agreed to be allowed in respect of the goods referred to in the preceding paragraph, or, if no such sum was agreed, the part-exchange allowance shall be taken to be such sum as in all the circumstances it would have been reasonable to allow in respect of those goods if no notice of cancellation had been served.

Representations and stipulations

16.—(1) Where a person (in this section referred to as “the owner or seller”) lets goods under a hire-purchase agreement, or sells or agrees to sell goods under a credit-sale agreement or a conditional sale agreement, any representations with respect to the goods to which the agreement relates which were made, either orally or in writing, to the hirer or buyer by a person other than the owner or seller in the course of any antecedent negotiations conducted by that other person shall be deemed to have been made by him as agent of the owner or seller.

Dealer to be agent of owner or seller in respect of certain representations.

(2) Nothing in this section shall exonerate any person from any liability (whether criminal or civil) to which he would be subject apart from this section.

(3) Section 2(4) of this Act applies to this section.

(4) In this section “representations” includes any statement or undertaking, whether constituting a stipulation or not, and references to making representations shall be construed accordingly.

17.—(1) In every hire-purchase agreement and in every conditional sale agreement there shall be implied—

Implied stipulations.

- (a) a stipulation on the part of the owner or seller that he shall have a right to sell the goods at the time when the property is to pass ;
- (b) a stipulation that the hirer or buyer shall have and enjoy quiet possession of the goods ;
- (c) a stipulation that the goods shall be free from any charge or encumbrance in favour of any third party at the time when the property is to pass.

(2) Subject to the next following subsection, and to section 18 of this Act, in every hire-purchase agreement and in every

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conditional sale agreement there shall be implied a stipulation that the goods shall be of merchantable quality.

(3) Where the hirer or buyer has examined the goods or a sample of them, the stipulation referred to in subsection (2) of this section shall not be implied by virtue of that subsection in respect of defects which the examination ought to have revealed.

(4) Where the hirer under a hire-purchase agreement, or the buyer under a conditional sale agreement, whether expressly or by implication,—

(a) has made known to the owner or seller, or to a servant or agent of the owner or seller, the particular purpose for which the goods are required, or

(b) in the course of any antecedent negotiations has made that purpose known to any other person by whom those negotiations were conducted, or to a servant or agent of such a person,

there shall, subject to the provisions of section 18 of this Act, be implied a stipulation that the goods shall be reasonably fit for that purpose.

(5) In relation to every hire-purchase agreement and every conditional sale agreement the stipulations referred to in subsections (1)(a), (2) and (4) of this section shall be deemed to be material to the agreement.

(6) Nothing in this or the next following section shall prejudice the operation of any other enactment or rule of law whereby any stipulation is to be implied in any hire-purchase agreement or conditional sale agreement.

Provisions as to exclusions of implied stipulations.

18.—(1) Where under a hire-purchase agreement or a conditional sale agreement goods are let or agreed to be sold as second-hand goods, and—

(a) the agreement contains a statement to that effect, and a provision that the stipulation referred to in section 17(2) of this Act is excluded in relation to those goods, and

(b) it is proved that before the agreement was made the provision in the agreement so excluding that stipulation was brought to the notice of the hirer or buyer and its effect made clear to him,

that stipulation shall not be implied in the agreement in relation to those goods.

(2) Where under a hire-purchase agreement or a conditional sale agreement goods are let or agreed to be sold as being

subject to defects specified in the agreement (whether referred to in the agreement as defects or by any other description to the like effect), and—

- (a) the agreement contains a provision that the stipulation referred to in section 17(2) of this Act is excluded in relation to those goods in respect of those defects, and
- (b) it is proved that before the agreement was made those defects, and the provision in the agreement so excluding that stipulation, were brought to the notice of the hirer or buyer and the effect of that provision was made clear to him,

that stipulation shall not be implied in the agreement in respect of those defects.

(3) The stipulations specified in subsection (1) of section 17 of this Act, and, except as provided by subsection (3) of that section and by subsections (1) and (2) of this section, the stipulation specified in subsection (2) of that section, shall be implied notwithstanding any agreement to the contrary.

(4) The owner or seller shall not be entitled to rely on any provision in a hire-purchase agreement or conditional sale agreement excluding or modifying the stipulation referred to in section 17(4) of this Act unless he proves that before the agreement was made that provision was brought to the notice of the hirer or buyer and its effect was made clear to him.

19.—(1) Where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and the goods are so let or agreed to be sold by reference to a sample, there shall be implied in the agreement—

Further implied stipulations in special cases.

- (a) a stipulation that the bulk will correspond with the sample in quality, and
- (b) a stipulation that the hirer or buyer will have a reasonable opportunity of comparing the bulk with the sample.

(2) Where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and are so let or agreed to be sold by description, there shall be implied in the agreement a stipulation that the goods will correspond with the description; and if the goods are let or agreed to be sold under the agreement by reference to a sample, as well as by description, it shall not be sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

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(3) In this section "stipulation" means a stipulation which is material to the agreement.

Special provision as to conditional sale agreements.

1894 c. 71
(56 & 57 Vict.).

20. A conditional sale agreement shall be treated as not being a contract of sale for the purposes of sections 12 to 15 of the Sale of Goods Act 1893 (which imply certain stipulations in contracts of sale).

Duties to supply information and documents

Owner or seller to supply information and copy to hirer or buyer.

21.—(1) At any time before the final payment has been made under a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, any person entitled to enforce the agreement against the hirer or buyer shall, within four days after he has received a request in writing from the hirer or buyer, and the hirer or buyer has tendered to him the sum of 2s. 6d. for expenses, supply to the hirer or buyer a copy of the agreement, together with a statement signed by that person or his agent showing—

- (a) the amount paid by or on behalf of the hirer or buyer ;
- (b) the amount which has become due under the agreement but remains unpaid, and the date on which each unpaid instalment became due, and the amount of each such instalment ; and
- (c) the amount which is to become payable under the agreement, and the date, or the mode of determining the date, on which each future instalment is to become payable, and the amount of each such instalment.

(2) In the event of a failure without reasonable cause to comply with the preceding subsection, then, while the default continues—

- (a) no person shall be entitled to enforce the agreement against the hirer or buyer or to enforce any contract of guarantee relating to the agreement, and, in the case of a hire-purchase agreement or a conditional sale agreement, the owner or seller shall not be entitled to enforce any right to recover the goods from the hirer or buyer, and
- (b) no security given by the hirer or buyer in respect of money payable under the agreement, or given by a guarantor in respect of money payable under a contract of guarantee relating to the agreement, shall be enforceable against the hirer or buyer or the guarantor by any holder thereof,

and, if the default continues for a period of one month, the person in default shall be liable on summary conviction to a fine not exceeding £25.

(3) If a copy supplied to a hirer or buyer in pursuance of a request made by him under this section does not comply with such requirements of any regulations made under section 32 of this Act as relate thereto, the last preceding subsection shall apply as if that copy had not been supplied to him.

(4) In relation to a credit-sale agreement under which the total purchase price does not exceed £30, subsection (1) of this section shall apply with the substitution, for the words "a copy of the agreement", of the words "a copy of any note or memorandum of the agreement".

(5) Section 2(4) of this Act applies to this section.

22.—(1) A contract of guarantee relating to a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, and any security given by a guarantor in respect of money payable under such a contract, shall (subject to the following provisions of this section) not be enforceable unless the contract of guarantee is signed before two witnesses by the guarantor and, within seven days of the making of the contract of guarantee or the making of the hire-purchase agreement, credit-sale agreement or conditional sale agreement, whichever is the later, there is delivered or sent to the guarantor—

Requirements relating to contracts of guarantee.

(a) a copy of the hire-purchase agreement, credit-sale agreement or conditional sale agreement, and

(b) a copy of the contract of guarantee.

(2) Subject to the next following subsection, such a contract of guarantee, and any such security, shall also not be enforceable unless—

(a) each copy delivered or sent as mentioned in the preceding subsection, and

(b) the contract of guarantee,

complies with the requirements of any regulations made under section 32 of this Act, in so far as any such requirements relate thereto.

(3) If in any action the court is satisfied that a failure to comply with any requirement imposed by subsection (1) of this section, or with any such requirement as is mentioned in the last preceding subsection, has not prejudiced the guarantor, and that it would be just and equitable to dispense with that requirement, the court may, subject to any conditions that it thinks fit to impose, dispense with that requirement for the purposes of the action.

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Further documents to be supplied to guarantor.

23.—(1) Where a contract of guarantee relating to a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement is for the time being in force, and the final payment under that agreement has not been made, any person entitled to enforce the contract of guarantee against the guarantor shall, within four days after he has received a request in writing from the guarantor, and the guarantor has tendered to him the sum of 2s. 6d. for expenses, supply to the guarantor the documents specified in the next following subsection.

(2) The documents referred to in the preceding subsection are—

- (a) a copy of the hire-purchase agreement, credit-sale agreement or conditional sale agreement, or in the case of a credit-sale agreement under which the total purchase price does not exceed £30, a copy of any note or memorandum of the agreement; and
- (b) a copy of the contract of guarantee; and
- (c) a statement signed by, or by the agent of, the person to whom the request in writing referred to in the preceding subsection is made, showing the matters specified in paragraphs (a) to (c) of section 21(1) of this Act.

(3) In the event of a failure without reasonable cause to comply with subsection (1) of this section, then, while the default continues,—

- (a) no person shall be entitled to enforce the contract of guarantee against the guarantor, and
- (b) no security given by the guarantor in respect of money payable under that contract shall be enforceable against the guarantor by any holder of that security,

and, if the default continues for a period of one month, the person in default shall be liable on summary conviction to a fine not exceeding £25.

(4) If a copy supplied to a guarantor in pursuance of a request made by him under this section does not comply with such requirements of any regulations made under section 32 of this Act as relate thereto, the last preceding subsection shall apply as if that copy had not been supplied to him.

(5) Section 2(4) of this Act applies to this section.

Hirer or buyer to give information to owner or seller.

24.—(1) Where by virtue of a hire-purchase agreement or a conditional sale agreement a hirer or buyer is under a duty to keep the goods comprised in the agreement in his possession or control, the hirer or buyer shall, on receipt of a request in

writing from the owner or seller, inform the owner or seller where the goods are at the time when the information is given, or, if it is sent by post, at the time of posting.

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(2) If a hirer or buyer fails without reasonable cause to give that information within fourteen days of the receipt of the notice, he shall be liable on summary conviction to a fine not exceeding £25.

Defaults in payment

25.—(1) The provisions of this section shall have effect where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and that agreement, or any other agreement, contains a provision (however expressed, and whether limited to defaults in payment or not) whereby, apart from this section, on the occurrence of, or at a time to be ascertained by reference to, a default in the payment of one or more instalments or other sums payable by the hirer or buyer, such of the consequences mentioned in the next following subsection as are specified in that provision (in this section referred to as “the specified consequences”) would follow. Notice of default.

(2) The consequences referred to in the preceding subsection are that the hire-purchase agreement or conditional sale agreement shall terminate, or shall be terminable, or that the owner or seller shall have a right to recover possession of the goods.

(3) If default is made in the payment of one or more sums to which that provision (in this subsection referred to as “the relevant provision”) applies, the specified consequences shall not follow by reason of that default unless the owner or seller serves on the hirer or buyer, by post or otherwise, a notice (in this Act referred to as a “notice of default”) stating the amount which has become due, but remains unpaid, in respect of sums to which the relevant provision applies, and requiring the amount so stated to be paid within such period (not being less than seven days beginning with the date of service of the notice) as may be specified in the notice.

(4) Where a notice of default is served, the specified consequences shall not follow before the end of the period specified in the notice by reason of any default to which the notice relates; and, if before the end of that period the amount specified in the notice is paid or tendered by or on behalf of the hirer or buyer or any guarantor, the specified consequences shall not follow thereafter by reason of any such default.

(5) In a case where the specified consequences are that the hire-purchase agreement or conditional sale agreement may be terminated by notice given by the owner or seller, a notice of

PART II default may include a notice terminating the hire-purchase agreement or conditional sale agreement at or after the end of the period specified therein in accordance with subsection (3) of this section, subject to a condition that the termination is not to take effect if before the end of that period the amount specified in the notice of default is paid or tendered as mentioned in the last preceding subsection.

Supplementary provisions as to notices of default.

26.—(1) Without prejudice to the service of a notice of default in any way in which such a notice could be served apart from this subsection, a notice of default shall be deemed to be served on the hirer under a hire-purchase agreement, or on the buyer under a conditional sale agreement, if—

(a) it is addressed to the person last known to the owner or seller as the hirer or buyer under the agreement, and is delivered at, or sent by post to, the last known address of that person, or

(b) in a case where that person has died, the notice (if not served in accordance with the preceding paragraph) is addressed to that person's executor (whether by that or any similar description, and whether for the time being there is an executor or not) and is delivered at, or sent by post to, the address which was the last known address of the deceased person.

(2) Where the person who, immediately before his death, was the hirer under a hire-purchase agreement, or the buyer under a conditional sale agreement, has died, and his rights under the agreement have not yet passed to an executor, the last preceding section shall have effect as if the deceased person had not died, and any reference in that section to default in the payment of a sum payable by the hirer or buyer shall be construed accordingly.

Right of hirer or buyer to terminate agreement

Right to terminate agreement.

27.—(1) At any time before the final payment under a hire-purchase agreement or conditional sale agreement falls due, the hirer or buyer shall (subject to the next following subsection) be entitled to terminate the agreement by giving notice of termination in writing to any person entitled or authorised to receive the sums payable under the agreement.

(2) In the case of a conditional sale agreement, where the property in the goods, having become vested in the buyer, is transferred to a person who does not become the buyer under the agreement, the buyer shall not thereafter be entitled to terminate the agreement under this section.

(3) Subject to the last preceding subsection, where a buyer under a conditional sale agreement terminates the agreement under this section after the property in the goods has become vested in him, the property in the goods shall thereupon vest in the person (in this subsection referred to as "the previous owner") in whom it was vested immediately before it became vested in the buyer:

Provided that if the previous owner has died, or any other event has occurred whereby that property, if vested in him immediately before that event, would thereupon have vested in some other person, the property shall be treated as having devolved as if it had been vested in the previous owner immediately before his death or immediately before that event, as the case may be.

(4) Nothing in this section shall prejudice any right of a hirer or buyer to terminate a hire-purchase agreement or conditional sale agreement otherwise than by virtue of this section.

28.—(1) Where the hirer under a hire-purchase agreement, or the buyer under a conditional sale agreement, terminates the agreement by virtue of the last preceding section, then, subject to the following provisions of this section, and without prejudice to any liability which has accrued before the termination, he shall be liable—

Liability of
hirer or buyer
giving notice
of termination.

(a) in the case of a hire-purchase agreement, to pay the amount (if any) by which one-half of the hire-purchase price exceeds the total of the sums paid and the sums due in respect of the hire-purchase price immediately before the termination, or

(b) in the case of a conditional sale agreement, to pay the amount (if any) by which one-half of the total purchase price exceeds the total of the sums paid and the sums due in respect of the total purchase price immediately before the termination,

or if (in either case) the agreement specifies a lesser amount, he shall be liable to pay the amount so specified.

(2) If in any action the court is satisfied that a sum less than the amount specified in paragraph (a) or paragraph (b) of the preceding subsection (as the case may be) would be equal to the loss sustained by the owner or seller in consequence of the termination of the agreement by the hirer or buyer, the court may make an order for the payment of that sum in lieu of that amount.

(3) Where a hire-purchase agreement or conditional sale agreement has been terminated under the last preceding section,

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the hirer or buyer, if he has failed to take reasonable care of the goods, shall be liable to pay damages for the failure.

(4) Where a hirer or buyer, having terminated a hire-purchase agreement or conditional sale agreement under the last preceding section, wrongfully retains possession of the goods, then, in any action brought by the owner or seller to recover possession of the goods from the hirer or buyer, the court, unless it is satisfied that having regard to the circumstances it would not be just and equitable to do so, shall order the goods to be delivered to the owner or seller without giving the hirer or buyer an option to pay the value of the goods.

(5) The preceding provisions of this section shall have effect subject to the provisions of section 51 of this Act.

Avoidance of certain provisions and contracts

General
Provisions.

29.—(1) Any provision to which this subsection applies shall be void.

(2) The preceding subsection applies to any provision in any agreement (whether a hire-purchase, credit-sale or conditional sale agreement or not)—

- (a) whereby an owner or seller, or any person acting on his behalf, is authorised to enter upon any premises for the purpose of taking possession of goods which have been let under a hire-purchase agreement or agreed to be sold under a conditional sale agreement, or is relieved from liability for any such entry, or
- (b) whereby the right conferred by section 27 of this Act to terminate a hire-purchase agreement or a conditional sale agreement is excluded or restricted, or whereby any liability, in addition to the liability imposed by section 28 of this Act, is imposed on a hirer or buyer by reason of the termination of a hire-purchase agreement or conditional sale agreement under the said section 27, or
- (c) whereby a hirer or buyer, after the termination in any manner whatsoever of a hire-purchase agreement or conditional sale agreement, is (apart from any liability which has accrued before the termination) subject to a liability to pay an amount which exceeds whichever is the lesser of the two following amounts, that is to say—
 - (i) the amount mentioned in paragraph (a) or (as the case may be) in paragraph (b) of section 28(1) of this Act, and
 - (ii) an amount equal to the loss sustained by the owner or seller in consequence of the termination of the agreement, or

- (d) whereby any person acting on behalf of an owner or seller in connection with the formation or conclusion of a hire-purchase agreement, credit-sale agreement or conditional sale agreement is treated as, or deemed to be, the agent of the hirer or buyer, or
- (e) whereby an owner or seller is relieved from liability for the acts or defaults of any person acting on his behalf in connection with the formation or conclusion of a hire-purchase agreement, credit-sale agreement or conditional sale agreement.

(3) There shall also be void any provision in any agreement (whether a hire-purchase, credit-sale or conditional sale agreement or not)—

- (a) excluding or restricting the operation of any enactment contained in sections 11 to 15 of this Act or the exercise of any right conferred by such an enactment or imposing any liability in consequence of the exercise of such a right, other than or in addition to any liability imposed by such an enactment, or
- (b) excluding or restricting the operation of any enactment contained in section 16 or section 31 of this Act, or
- (c) excluding or modifying any stipulation implied by virtue of section 19 of this Act.

(4) Any contract, whether oral or in writing, which apart from this subsection would have effect as a contract to enter into a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement (as distinct from a contract constituting such an agreement) shall be void.

(5) Section 2(4) of this Act applies to subsections (2) and (3) of this section.

30.—(1) The provisions of subsection (2) or (as the case may be) subsection (3) of this section shall have effect where goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and that agreement, or any other agreement, provides that, on the occurrence of, or at a time to be ascertained by reference to, one or more events referred to in the provision in question,—

- (a) the hire-purchase agreement or conditional sale agreement shall terminate, or shall be terminable, or the owner or seller shall have a right to recover possession of the goods to which the hire-purchase agreement or conditional sale agreement relates, or
- (b) any sum shall become payable by the hirer or buyer or any guarantor, or any liability of the hirer or buyer or any guarantor shall be increased or accelerated, or

PART II

(c) any right of the hirer under the hire-purchase agreement or of the buyer under the conditional sale agreement shall cease to be exercisable, or shall be, or shall become liable to be, restricted or postponed.

(2) If the only event specified as mentioned in the preceding subsection is the death of the hirer or buyer, so much of the agreement as makes any such provision as is mentioned in that subsection shall be void.

(3) If two or more events are so specified, and one of them is the death of the hirer or buyer, so much of the agreement as makes any such provision shall have effect as if any reference to the death of the hirer or buyer were omitted.

(4) Without prejudice to the preceding provisions of this section, where—

(a) goods are let under a hire-purchase agreement, or are agreed to be sold under a conditional sale agreement, and

(b) that agreement, or any other agreement, contains any provision (whether expressed as a provision that the hire-purchase agreement or conditional sale agreement shall be personal to the hirer or buyer or otherwise) which, if the hire-purchase agreement or conditional sale agreement is in force immediately before the death of the hirer or buyer, would apart from this subsection have the effect of terminating the last-mentioned agreement on the death of the hirer or buyer or otherwise preventing the benefit of that agreement from being transmitted on his death,

that provision shall be void in so far as it would have that effect.

Supplementary provisions

Agency for
purpose of
receiving
notices.

31.—(1) Where a person has made an offer to enter into a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, in a case not falling within section 11(1) of this Act, and wishes to withdraw that offer before it is accepted, any person who conducted any antecedent negotiations shall be deemed to be the agent of any other person concerned for the purpose of receiving notice that the offer is withdrawn.

(2) Where the hirer or buyer under a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement claims to have a right to rescind the agreement, any person who conducted any antecedent negotiations shall be deemed

to be the agent of the owner or seller for the purpose of receiving any notice rescinding the agreement which is served by the hirer or buyer.

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(3) In subsection (1) of this section "other person concerned", in relation to an offer, means any person who would be in a position to accept the offer if it were not withdrawn; and in the last preceding subsection "rescind" does not include—

- (a) the service of a notice of cancellation, or
- (b) the termination of an agreement under section 27 of this Act, or by the exercise of a right or power in that behalf expressly conferred by the agreement.

(4) The preceding provisions of this section shall have effect without prejudice to the operation of section 12(3) of this Act.

(5) Section 2(4) of this Act applies to this section.

32.—(1) The Board of Trade may make regulations prescribing such requirements (whether as to type, size, colour or disposition of lettering, quality or colour of paper, or otherwise) as the Board may consider appropriate for securing that documents to which this section applies are easily legible. Legibility of documents.

(2) Subject to the next following subsection, the documents to which this section applies are documents of any of the following descriptions, that is to say—

- (a) any hire-purchase agreement, credit-sale agreement or conditional sale agreement;
- (b) any such copy as is mentioned in subsection (2) or subsection (3) of section 8 or in subsection (2) or subsection (3) of section 9 of this Act;
- (c) any copy supplied to a hirer or buyer in pursuance of a request made by him under section 21 of this Act;
- (d) any contract of guarantee relating to a hire-purchase agreement, credit-sale agreement or conditional sale agreement, and any such copy as is mentioned in paragraph (a) or paragraph (b) of section 22(1) of this Act;
- (e) any such copy as is mentioned in paragraph (a) or paragraph (b) of subsection (2) of section 23 of this Act which is supplied to a guarantor in pursuance of a request made by him under subsection (1) of that section.

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(3) Without prejudice to the operation of section 53(3) of this Act in relation to any regulations made under this section, any such regulations—

- (a) may specify which parts of the contents of a document to which the regulations apply are permitted to consist of handwriting or a reproduction of handwriting, and may prescribe different requirements in relation to so much of the contents of such a document as is permitted to consist, and consists, of handwriting or a reproduction of handwriting and in relation to the remainder of the contents of such a document; and
- (b) may except from any of the requirements of the regulations any marginal notes or other subsidiary parts of a document.

(4) In relation to so much of any document falling within paragraph (a) or paragraph (b) of subsection (2) of this section as consists of—

- (a) words or other matters prescribed by regulations made under section 7(2) of this Act, or
- (b) a statement required to be contained therein as prescribed by regulations made under section 9(4) of this Act,

any regulations made under this section shall have effect subject to the provisions of the regulations referred to in paragraph (a) or paragraph (b) of this subsection, as the case may be.

PART III

RECOVERY OF POSSESSION AND OTHER REMEDIES

Protected goods

Meaning of
“protected
goods”.

33.—(1) For the purposes of this Part of this Act goods are “protected good” if for the time being the following conditions are fulfilled, that is to say—

- (a) that the goods have been let under a hire-purchase agreement, or agreed to be sold under a conditional sale agreement;
- (b) that one-third of the hire-purchase price or total purchase price has been paid (whether in pursuance of an order of court or otherwise) or tendered by or on behalf of the hirer or buyer or a guarantor; and
- (c) that the hirer or buyer has not terminated the hire-purchase agreement or conditional sale agreement by virtue of any right vested in him.

(2) In this Part of this Act "the agreement", in relation to any protected goods, means the hire-purchase agreement or conditional sale agreement in respect of which those conditions are fulfilled.

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34.—(1) The owner (where the agreement is a hire-purchase agreement) or the seller (where it is a conditional sale agreement) shall not enforce any right to recover possession of protected goods from the hirer or buyer otherwise than by action.

Restriction on right to recover possession of protected goods.

(2) If the owner or seller recovers possession of protected goods in contravention of the preceding subsection, the agreement, if not previously terminated, shall terminate, and—

(a) the hirer or buyer shall be released from all liability under the agreement, and shall be entitled to recover from the owner or seller all sums paid by the hirer or buyer under the agreement or under any security given by him in respect thereof, and

(b) any guarantor shall be entitled to recover from the owner or seller all sums paid by him under the contract of guarantee or under any security given by him in respect thereof.

(3) Nothing in this section shall be taken to confer on an owner or seller any right to recover, otherwise than by action, possession of any goods let under a hire-purchase agreement or agreed to be sold under a conditional sale agreement where one-third of the hire-purchase price or total purchase price, as the case may be, has not been paid or tendered as mentioned in section 33(1)(b) of this Act.

Action by owner for possession

35.—(1) This section applies to any action brought by the owner to enforce a right to recover possession of protected goods from the hirer, where the owner has not previously, in contravention of section 34(1) of this Act, recovered possession of part of the goods let under the agreement.

Action by owner to recover possession of protected goods from hirer.

(2) Subject to such exceptions as may be provided for by rules of court, all the parties to the agreement, and any guarantor, shall be made parties to the action.

(3) Pending the hearing of the action, the court shall, in addition to any other powers, have power, on the application of the owner, to make such orders as the court thinks just for the purpose of protecting the goods from damage or depreciation, including orders restricting or prohibiting the use of the goods or giving directions as to their custody.

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(4) Subject to the following provisions of this Part of this Act, on the hearing of the action the court may, without prejudice to any other power,—

- (a) make an order for the specific delivery of all the goods to the owner, or
- (b) make an order for the specific delivery of all the goods to the owner and postpone the operation of the order on condition that the hirer or any guarantor pays the unpaid balance of the hire-purchase price at such times and in such amounts as the court, having regard to the means of the hirer and of any guarantor, thinks just, and subject to the fulfilment by the hirer or a guarantor of such other conditions as the court thinks just, or
- (c) make an order for the specific delivery of a part of the goods to the owner and for the transfer to the hirer of the owner's title to the remainder of the goods.

(5) In this Part of this Act any reference to an order for the specific delivery of goods to the owner is a reference to an order for the delivery of those goods to the owner without giving the hirer an option to pay their value.

(6) In the following provisions of this Part of this Act "postponed" means postponed in pursuance of subsection (4)(b) of this section, and any reference to postponement shall be construed accordingly.

Circumstances in which postponed order may be made.

36.—(1) The operation of an order for the specific delivery of goods to the owner shall not be postponed unless the hirer satisfies the court that the goods are in his possession or control at the time when the order is made.

(2) If in an action to which the last preceding section applies an offer as to conditions for the postponement of the operation of an order is made by the hirer, and accepted by the owner, in accordance with rules of court, the court (subject to the next following subsection) may thereupon make the order, and postpone its operation, in accordance with the offer without hearing evidence as to any of the matters mentioned in subsection (4)(b) of the last preceding section and in subsection (1) of this section.

(3) Where a guarantor is a party to the action, an order shall not be made in pursuance of the last preceding subsection before the date fixed for the hearing of the action.

Restriction on orders transferring owner's title.

37.—(1) The court shall not exercise any power under this Part of this Act to make an order for the transfer to the hirer of the owner's title to part of the goods to which the agreement relates unless the court is satisfied that the amount which the

hirer has paid in respect of the hire-purchase price exceeds the price of that part of the goods by at least one-third of the unpaid balance of the hire-purchase price.

(2) In this section “ price ”, in relation to any part of the goods to which the agreement relates, means such part of the hire-purchase price as is assigned to that part of the goods by the agreement, or, if no such assignment is so made, it means such part of the hire-purchase price as the court may determine.

38.—(1) While the operation of an order for the specific delivery of goods to the owner is postponed, the hirer shall, subject to the following provisions of this section, be deemed to be a custodier of the goods under and on the terms of the agreement. Effect of postponed order.

(2) No further sum shall be or become payable by the hirer or a guarantor on account of the unpaid balance of the hire-purchase price, except in accordance with the terms of the order.

(3) The court may make such further modification of the terms of the agreement, and of any contract of guarantee relating thereto, as the court considers necessary having regard to the variation of the terms of payment.

(4) If, while the operation of the order is postponed, the hirer or a guarantor fails to comply with any condition of the postponement, or with any term of the agreement as varied by the court, or wrongfully disposes of the goods, the owner shall not take any civil proceedings against the hirer or guarantor otherwise than by making an application to the court by which the order was made:

Provided that, in the case of a breach of a condition relating to the payment of the unpaid balance of the hire-purchase price, it shall not be necessary for the owner to apply to the court for leave to execute diligence on the order unless the court has so directed.

(5) When the unpaid balance of the hire-purchase price has been paid in accordance with the terms of the order, the owner's title to the goods shall vest in the hirer.

39.—(1) At any time while the operation of an order for the specific delivery of goods to the owner is postponed, the court— Further powers of court in relation to postponed order.

(a) may vary the conditions of the postponement, and make such further modification of the agreement, and of any contract of guarantee relating thereto, as the court considers necessary having regard to the variation of the conditions of the postponement, or

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(b) may revoke the postponement, or

(c) subject to section 37 of this Act, may make an order for the specific delivery of a part of the goods to the owner and for the transfer to the hirer of the owner's title to the remainder of the goods.

(2) The powers of the court under paragraph (a) or paragraph (c) of the preceding subsection may be exercised, notwithstanding that any condition of the postponement has not been complied with, at any time before the goods are delivered to the owner in accordance with a warrant issued in pursuance of the order.

(3) Where a warrant has been issued in pursuance of the order, then—

(a) if the court varies the conditions of the postponement under paragraph (a) of subsection (1) of this section, the court shall suspend the warrant on the like conditions ;

(b) if the court makes an order under paragraph (c) of that subsection, the court shall cancel the warrant so far as it provides for the delivery of that part of the goods in respect of which the owner's title is to be transferred to the hirer.

(4) At any time before the delivery of goods to the owner in accordance with a warrant issued in pursuance of the order, the warrant may, so far as it provides for the delivery of the goods, be discharged by the payment to the owner by the hirer or any guarantor of the whole of the unpaid balance of the hire-purchase price ; and in any such case the owner's title to the goods shall vest in the hirer.

Supplementary provisions relating to ss. 35 to 39.

40.—(1) If, before the hearing of an action to which section 35 of this Act applies, the owner has recovered possession of a part of the goods, any reference in section 35(4) of this Act to all the goods shall be construed as a reference to all the goods of which the owner has not recovered possession.

(2) If, in any case falling within the preceding subsection, the parties have not agreed upon an adjustment of the hire-purchase price in respect of the goods recovered by the owner, the court may, for the purposes of the relevant provisions, make such reduction of the unpaid balance of the hire-purchase price as the court thinks just.

(3) Where the owner has brought an action to which section 35 of this Act applies, and damages have been awarded against him in the action, the court may treat the hirer as having paid in respect of the hire-purchase price (in addition to the actual amount paid) the amount of the damages, or such part of them as the court thinks fit ; and thereupon those damages shall accordingly be remitted, either in whole or in part.

(4) Where the agreement validly provides for the payment by the hirer, on or after the termination of the agreement, of such sum as, when added to the sums paid and the sums due in respect of the hire-purchase price before the termination, is equal to a fixed amount, and—

- (a) the hirer or a guarantor has paid or has been ordered to pay such a sum, and
- (b) the owner subsequently seeks to recover possession of the goods in an action to which section 35 of this Act applies,

the court may treat that sum as a sum which has been, or is to be, paid in respect of the hire-purchase price.

(5) In subsection (2) of this section “the relevant provisions”, in relation to an action means such of the following provisions of this Act, that is to say, sections 35(4)(b), 37(1), 38 and 39(4), as are applicable to the action.

Money claims by owner

41. After the owner has begun an action to which section 35 of this Act applies, he shall not take any step to enforce payment of any sum due under the agreement, or under any contract of guarantee relating to the agreement, except by claiming the sum in that action.

Restriction on separate action.

42.—(1) Where the owner has brought an action to enforce a right to recover possession of protected goods from the hirer, and—

Powers of court on non-compliance with order for specific delivery of goods.

- (a) the court has made an order in that action under section 35(4) or section 39(1)(c) of this Act (in this section referred to as “the previous order”), and
- (b) the previous order has not been complied with, or, in a case where the operation of that order was postponed, the hirer or any guarantor has failed to comply with any condition of the postponement, or with any term of the agreement as varied by the court, or has wrongfully disposed of the goods, and
- (c) the owner has not recovered possession of all the goods which under the previous order were directed to be delivered to him,

the owner may make an application under this section.

(2) Any application under this section shall be made to the court by which the previous order was made, and (whether the operation of the previous order was postponed or not) shall be made in the action in which that order was made.

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(3) On any such application the court shall have power, if in the circumstances it considers it just to do so,—

(a) to revoke the previous order, and

(b) to make an order for the payment of a sum determined in accordance with subsection (4) of this section.

(4) Subject to any reduction under subsection (6) of this section, the sum referred to in paragraph (b) of the last preceding subsection shall be a sum equal to the balance of the price of the unrecovered goods which remains outstanding at the date when the order under that paragraph is made.

(5) The power to make an order under subsection (3)(b) of this section shall be exercisable against any person who, at the time when the order is made, is (apart from the previous order) liable to pay any sum which has then accrued due under the agreement; and on the making of such an order the owner's title to the unrecovered goods shall vest in the person against whom the order is made.

(6) Where the court makes an order under subsection (3)(b) of this section, the court shall deduct from the balance referred to in subsection (4) of this section such amount as the court thinks just, having regard to the extent to which the order requires any part of that balance to be paid at a date earlier than the date on which it would have become payable in accordance with the agreement.

(7) Where an order is made under subsection (3)(b) of this section after the issue of a warrant in pursuance of the previous order, the court shall cancel the warrant.

(8) In this section—

(a) “the unrecovered goods” means those goods which, under the previous order, were directed to be delivered to the owner but of which he has not recovered possession at the time when the court makes the order under subsection (3)(b) of this section; and

(b) “price” has the meaning assigned to it by section 37(2) of this Act, and any reference to the balance of the price of any goods remaining outstanding shall be construed accordingly.

Claim under
minimum
payment
provision.

43.—(1) The provisions of this section shall have effect where a hire-purchase agreement validly provides for the payment by the hirer on or after the termination of the agreement of such sum as, when added to the sums paid and the sums due in respect of the hire-purchase price before the termination, is equal to a fixed amount.

(2) If, in an action to which section 35 of this Act applies,—

- (a) a claim is made in respect of a sum for which the agreement provides as mentioned in the preceding subsection, and
- (b) the court makes an order for the specific delivery of a part of the goods to the owner and the transfer to the hirer of the owner's title to the remainder of the goods,

the claim in respect of that sum shall be disallowed.

(3) If in any such action—

- (a) a claim is made in respect of a sum for which the agreement provides as mentioned in subsection (1) of this section, and
- (b) the court makes an order for the specific delivery of the goods to the owner, and postpones the operation of that order,

then, except as provided by the next following section, the court shall not entertain the claim in respect of that sum unless and until the postponement is revoked, and shall then deal with the claim as if the agreement had just been terminated.

44.—(1) Where the owner has brought an action to which section 35 of this Act applies, and the court has made an order under paragraph (a) or paragraph (b) of subsection (4) of that section (in this section referred to as “the previous order”). then if—

Money claim after order for specific delivery of goods.

- (a) the owner (whether the operation of the previous order was postponed or not) has recovered possession of all the goods, or
- (b) where the operation of the previous order was postponed, the court revokes the postponement,

the owner may make, or (if the claim in question has already been made in that action) may proceed with, any claim to which this section applies.

(2) This section applies to any claim—

- (a) for the payment of one or more instalments which had accrued due under the agreement before the action was brought, or
- (b) for the payment of any sum for which the agreement makes provision as mentioned in section 43(1) of this Act and which had become payable before the action was brought.

(3) Where in pursuance of subsection (1) of this section the owner proposes to make or proceed with a claim as therein

PART III

mentioned, that claim shall (whether the operation of the previous order was postponed or not) be made or proceeded with in the action in which the previous order was made, and, if the owner has recovered possession of all the goods, may, notwithstanding anything in section 43(3) of this Act, be so made or proceeded with at any time after he has recovered possession of them.

(4) In determining a claim to which this section applies the court may treat any sum paid in pursuance of an order under section 35(4)(b) of this Act as a payment made (wholly or partly) in respect of any instalment or sum to which the claim relates.

*Action for possession, and money claims, by
seller under conditional sale agreement*

Application of
ss. 35 to 44 to
conditional
sale
agreements.

45.—(1) The provisions of sections 35 to 44 of this Act shall have effect in relation to protected goods where the agreement is a conditional sale agreement, subject to the modifications specified in the following provisions of this section.

(2) Subject to the next following subsection, those provisions shall apply as if—

- (a) any reference to the hirer were a reference to the buyer ;
- (b) any reference to the owner were a reference to the seller ;
- (c) any reference to the hire-purchase price were a reference to the total purchase price; and ;
- (d) any reference to a hire-purchase agreement, or to goods let under the agreement, were a reference to a conditional sale agreement, or to goods agreed to be sold under the agreement, as the case may be.

(3) For section 38(1) of this Act there shall be substituted the following subsection :—

“ (1) While the operation of an order for the specific delivery of goods to the seller is postponed, the buyer shall, subject to the following provisions of this section, be deemed to be in possession of the goods under and on the terms of the agreement, other than any term providing for the property in the goods to vest in the buyer at any time before the payment of the whole of the total purchase price.”

Supplementary provisions

Recovery of
possession,
and money
claims, after
death of hirer
or buyer.

46.—(1) The provisions of Schedule 3 to this Act shall have effect in the circumstances specified in that Schedule.

(2) In sections 34(2) and 35(1) of this Act the references to contravention of section 34(1) of this Act shall be construed in accordance with paragraph 5 of that Schedule.

47.—(1) The provisions of this section shall have effect where—

PART III
Successive
agreements.

- (a) goods have been let under a hire-purchase agreement, and, at any time after one-third of the hire-purchase price has been paid or tendered, the owner makes a further hire-purchase agreement with the hirer, or, as seller, makes a conditional sale agreement with the hirer as buyer, or
- (b) goods have been agreed to be sold under a conditional sale agreement, and, at any time after one-third of the total purchase price has been paid or tendered, the seller makes a further conditional sale agreement with the buyer, or, as owner, makes a hire-purchase agreement with the buyer as hirer,

and (in either case) the subsequent agreement relates to the whole or any part of those goods, with or without other goods.

(2) In any case falling within the preceding subsection, section 33 of this Act shall have effect in relation to the subsequent agreement as if paragraph (b) of subsection (1) of that section were omitted, and section 34 of this Act shall have effect in relation to that agreement as if subsection (3) of that section were omitted.

48.—(1) Subject to the following provisions of this section, where goods have been let under a hire-purchase agreement, or have been agreed to be sold under a conditional sale agreement, and the owner or seller brings an action to enforce a right to recover possession of any of the goods from the hirer or buyer, the action shall be brought in the sheriff court for the district in which the hirer or buyer resides or carries on business, or resided or carried on business at the date on which he last made a payment under the hire-purchase agreement or conditional sale agreement. Jurisdiction.

(2) No action arising out of a hire-purchase agreement, credit-sale agreement or conditional sale agreement which may competently be brought in the small debt court shall be brought otherwise than in that court; but nothing in this section shall affect or prejudice any power vested in the sheriff to remit to the ordinary court roll any such action brought in the small debt court.

(3) In this section “small debt court” means any court held in pursuance of the Small Debt (Scotland) Act 1837 as amended 1837 c. 41, by any subsequent enactment.

PART IV

PROVISIONS RELATED TO PARTS II AND III

Appropriation of payments. **49.**—(1) Where a hirer or buyer is liable to make payments in respect of:—

- (a) two or more hire-purchase agreements, or
- (b) two or more conditional sale agreements, or
- (c) one or more hire-purchase agreements and one or more conditional sale agreements,

and he is liable to make those payments to the same owner or seller, he shall be entitled, on making any payment in respect of the agreements which is not sufficient to discharge the total amount then due under all the agreements, to appropriate the sum so paid by him in either of the ways mentioned in the next following subsection.

(2) The hirer or buyer may appropriate the sum in question—

- (a) in or towards the satisfaction of the sum due under any one of the agreements, or
- (b) in or towards the satisfaction of the sums due under any two or more of the agreements in such proportions as he thinks fit.

(3) If the hirer or buyer fails to make any such appropriation, the payment shall by virtue of this subsection be appropriated towards the satisfaction of the sums due under the several agreements respectively in the proportions which those sums bear to one another.

(4) The preceding provisions of this section shall have effect notwithstanding any agreement to the contrary.

Exclusion of conditional sale agreements from certain enactments relating to sale of goods.
1889 c. 45.
1890 c. 40.
1894 c. 71
(56 & 57 Vict.).

50. For the purposes of section 9 of the Factors Act 1889 as extended to Scotland by the Factors (Scotland) Act 1890 and of section 25(2) of the Sale of Goods Act 1893 (under which, notwithstanding that the property in the goods has not been transferred to him, a person who has bought or agreed to buy goods and is in possession of them can confer a good title to the goods) the buyer under a conditional sale agreement shall be deemed not to be a person who has bought or agreed to buy goods.

Installation charges.

51.—(1) Where under a hire-purchase agreement or a conditional sale agreement the owner or seller is required to carry out any installation, and the agreement specifies, as part of the hire-purchase price or total purchase price, the amount to be

paid in respect of the installation (in this section referred to as "the installation charge")— PART IV

- (a) any reference in section 28(1) of this Act to one-half of the hire-purchase price or one-half of the total purchase price shall be construed as a reference to the aggregate of the installation charge and one-half of the remainder of the hire-purchase price or total purchase price, as the case may be, and
 - (b) any reference in Part III of this Act to one-third of the hire-purchase price or one-third of the total purchase price shall be construed as a reference to the aggregate of the installation charge and one-third of the remainder of the hire-purchase price or total purchase price, as the case may be.
- (2) In this section "installation" means—
- (a) the installing of any electric line (as defined by the Electric Lighting Act 1882) or any gas or water pipe; 1882 c. 56.
 - (b) the fixing of goods to which the agreement relates to the premises where they are to be used, and the alteration of premises to enable any such goods to be used on them; and
 - (c) where it is reasonably necessary that any such goods should be constructed or erected on the premises where they are to be used, any work carried out for the purpose of constructing or erecting them on those premises.

52. Where the owner (in the case of a hire-purchase agreement) or the seller (in the case of a conditional sale agreement) has agreed that any part of the hire-purchase price or total purchase price may be discharged otherwise than by the payment of money, any such discharge shall be deemed to be a payment of that part of the hire-purchase price or total purchase price for the purposes of sections 21 and 28 of this Act and of Part III of, and Schedule 3 to, this Act. Payment otherwise than in money.

PART V

SUPPLEMENTARY PROVISIONS

53.—(1) Any power of the Board of Trade to make regulations under this Act shall be exercisable by statutory instrument. Regulations.

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

PART V

(3) Where a power to make regulations is exercisable by virtue of this Act, regulations made in the exercise of that power may make different provision in relation to different classes of cases.

(4) Any power (exercisable in accordance with section 57(2) of this Act) to make regulations under this Act before the date of the commencement of this Act shall include power, by any regulations so made, to revoke any regulations made under any of the enactments which, as from that date, are repealed by this Act.

Interpretation.

54.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“action”, “buyer” (except in relation to a conditional sale agreement), “delivery”, “goods”, “property”, “sale” and “seller” (except in relation to a conditional sale agreement) have the meanings assigned to them respectively by the Sale of Goods Act 1893 ;

“appropriate trade premises”, in relation to a document, means premises at which either the owner or seller (as defined by section 11(5) of this Act) normally carries on a business, or goods of the description to which the document relates, or goods of a similar description, are normally offered or exposed for sale in the course of a business carried on at those premises ;

“buyer”, in relation to a conditional sale agreement, means the person who agrees to purchase goods under the agreement and includes a person to whom the rights or liabilities of that person under the agreement have passed by assignation or by operation of law ;

“conditional sale agreement”, “credit-sale agreement” and “hire-purchase agreement” have the meanings assigned to them by Part I of this Act ;

“contract of guarantee”, in relation to a hire-purchase agreement, credit-sale agreement or conditional sale agreement, means a contract, made at the request (express or implied) of the hirer or buyer, either to guarantee the performance of the hirer’s or buyer’s obligations under the hire-purchase agreement, credit-sale agreement or conditional sale agreement, or to indemnify the owner or seller against any loss which he may incur in respect of that agreement, and “guarantor” shall be construed accordingly ;

“hire-purchase price” (subject to subsection (2) of this section) means the total sum payable by the hirer under a hire-purchase agreement in order to complete the purchase of goods to which the agreement relates,

1894 c. 71
(56 & 57 Vict.).

- exclusive of any sum payable as a penalty or as compensation or damages for a breach of the agreement ;
- “ **hirer** ” means the person who takes or has taken goods from an owner under a hire-purchase agreement and includes a person to whom the hirer’s rights or liabilities under the agreement have passed by assignation or by operation of law ;
- “ **notice of cancellation** ” has the meaning assigned to it by section 11(2) of this Act ;
- “ **owner** ” means the person who lets or has let goods to a hirer under a hire-purchase agreement and includes a person to whom the owner’s property in the goods or any of the owner’s rights or liabilities under the agreement has passed by assignation or by operation of law ;
- “ **seller** ”, in relation to a conditional sale agreement means the person who agrees to sell goods under the agreement and includes a person (other than the buyer) to whom that person’s property in the goods or any of that person’s rights or liabilities under the agreement has passed by assignation or by operation of law ;
- “ **total purchase price** ” (subject to subsection (2) of this section) means the total sum payable by the buyer under a credit-sale agreement or a conditional sale agreement, exclusive of any sum payable as a penalty or as compensation or damages for a breach of the agreement.

(2) For the purposes of this Act, any sum payable by the hirer under a hire-purchase agreement, or by the buyer under a conditional sale agreement, by way of a deposit or other initial payment, or credited or to be credited to him under the agreement on account of any such deposit or payment, whether that sum is to be or has been paid to the owner or seller or to any other person or is to be or has been discharged by a payment of money or by the transfer or delivery of goods or by any other means, shall form part of the hire-purchase price or total purchase price, as the case may be.

(3) In this Act “ **antecedent negotiations** ” in relation to a hire-purchase agreement, credit-sale agreement or conditional sale agreement, means any negotiations or arrangements with the hirer or buyer whereby he was induced to make the agreement or which otherwise promoted the transaction to which the agreement relates ; and any reference in this Act to the person by whom any antecedent negotiations were conducted is a reference to the person by whom the negotiations or arrangements in question were conducted or made in the course of a business carried on by him.

PART V

(4) The last preceding subsection—

(a) shall have effect in relation to a document to which section 11 of this Act applies, but which does not constitute a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement, as if references to the agreement and to making the agreement were references respectively to the document and to signing the document and any reference to the hirer or buyer were a reference to the prospective hirer or buyer (within the meaning of that section), and

(b) for the purposes of section 31(1) of this Act, shall have effect in relation to any offer to enter into a hire-purchase agreement, credit-sale agreement or conditional sale agreement as if any reference to the agreement were a reference to the offer and any reference to the hirer or buyer were a reference to the person making the offer.

(5) For the purposes of this Act any negotiations conducted, or arrangements or representations made, by a servant or agent, if conducted or made by him in the course of his employment or agency, shall be treated as conducted or made by his employer or principal; and anything received by a servant or agent, if received by him in the course of his employment or agency, shall be treated as received by his employer or principal.

In this subsection “representations” has the same meaning as in section 16 of this Act, and references to making representations shall be construed accordingly.

(6) Any reference in this Act to a document which constitutes a hire-purchase agreement, credit-sale agreement or conditional sale agreement shall be construed as including a reference to a document which together with one or more other documents constitutes such an agreement, and any reference to a document which, if executed by or on behalf of another person, would constitute such an agreement shall be construed accordingly.

(7) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

Transitional provisions, consequential amendments and repeals.

55.—(1) This Act (including the repeals effected by this section) shall not have effect in relation to any hire-purchase agreement, credit-sale agreement or conditional sale agreement made before 1st January 1965.

(2) Subject to the preceding subsection, this Act shall have effect in relation to agreements made before, as well as agreements made after, the commencement of this Act.

(3) The transitional provisions contained in Part I of Schedule 4 to this Act shall have effect ; and, on the coming into operation of any Order in Council under section 3 of this Act, the transitional provisions in Part II of that Schedule shall have effect.

(4) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

(5) Subject to subsection (1) of this section and to the transitional provisions contained in Part I of Schedule 4 to this Act, the enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

56. The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals). Saving for Interpretation Act 1889, s. 38. 1889 c. 63.

57.—(1) Subject to the following provisions of this section, this Act shall come into operation on 1st October 1965 (in this section referred to as “the commencement date”). Commencement.

(2) This section, any provisions of this Act which confer any power to make regulations, or which (as construed in accordance with section 32(3) of the Interpretation Act 1889) confer any power to revoke or vary any regulations, and any provisions of this Act relating to the exercise of any such power, shall come into operation on the passing of this Act ; but no regulations shall be made under this Act so as to come into operation before the commencement date.

(3) Any reference in this Act to the commencement of this Act is a reference to the coming into operation of so much of this Act as comes into operation on the commencement date, and any reference to the date of the commencement of this Act is a reference to that date ; and if any Act passed after the passing of this Act refers to the commencement of this Act, subsection (2) of this section shall be disregarded for the purpose of construing that reference in accordance with section 36 of the Interpretation Act 1889 (which relates to the meaning of “ commencement ” with reference to an Act).

(4) The preceding provisions of this section shall have effect without prejudice to the generality of section 37 of the Interpretation Act 1889 (which relates to the exercise of statutory powers between the passing and the commencement of an Act).

58.—(1) This Act may be cited as the Hire-Purchase (Scotland) Act 1965. Short title and extent.

(2) This Act shall extend to Scotland only.

SCHEDULES

Section 7.

SCHEDULE 1

NOTICE TO BE INCLUDED IN HIRE-PURCHASE AGREEMENT

NOTICE

RIGHT OF HIRER TO TERMINATE AGREEMENT

1. The hirer may put an end to this agreement by giving notice of termination in writing to any person who is entitled to collect or receive the hire-rent.

2. He must then pay any instalments which are in arrear at the time when he gives notice. If, when he has paid those instalments, the total amount which he has paid under the agreement is less than (*here insert the minimum amount which the hirer is required to pay in accordance with the provisions of sections 28(1) and 51 of this Act*) he must also pay enough to make up that sum, unless the court determines that a smaller sum would be equal to the owner's loss.

3. If the goods have been damaged owing to the hirer having failed to take reasonable care of them, the owner may sue him for the amount of the damage unless that amount can be agreed between the hirer and the owner.

4. The hirer should see whether this agreement contains provisions allowing him to put an end to the agreement on terms more favourable to him than those just mentioned. If it does, he may put an end to the agreement on those terms.

RESTRICTION OF OWNER'S RIGHT TO RECOVER GOODS

5. Unless the hirer has himself put an end to the agreement, the owner of the goods cannot take them back from the hirer without the hirer's consent unless the owner obtains an order of the court.

6. If **[after (here insert an amount calculated in accordance with the provisions of sections 33 and 51 of this Act) has been paid]* the owner applies to the court for such an order, the court (under powers conferred by the Hire-Purchase (Scotland) Act 1965) may, if the court thinks it just to do so, allow the hirer to keep either—

- (a) the whole of the goods, on condition that the hirer pays the balance of the price in the manner ordered by the court ;
or
- (b) a fair proportion of the goods having regard to what the hirer has already paid.

* If the agreement is a subsequent agreement to which section 47 of this Act applies, the words in square brackets should be omitted.

SCHEDULE 2

Section 7.

NOTICE TO BE INCLUDED IN CONDITIONAL SALE AGREEMENT

NOTICE

RIGHT OF BUYER TO TERMINATE AGREEMENT

1. The buyer may put an end to this agreement by giving notice of termination in writing to any person who is entitled to collect or receive the instalments of the purchase price.

2. He must then pay any instalments which are in arrear at the time when he gives notice. If, when he has paid those instalments, the total amount which he has paid under the agreement is less than (*here insert the minimum amount which the buyer is required to pay in accordance with the provisions of sections 28(1) and 51 of this Act*) he must also pay enough to make up that sum, unless the court determines that a smaller sum would be equal to the seller's loss.

3. If the goods have been damaged owing to the buyer having failed to take reasonable care of them, the seller may sue him for the amount of the damage unless that amount can be agreed between the buyer and the seller.

4. The buyer should see whether this agreement contains provisions allowing him to put an end to the agreement on terms more favourable to him than those just mentioned. If it does, he may put an end to the agreement on those terms.

RESTRICTION OF SELLER'S RIGHT TO RECOVER GOODS

5. Unless the buyer has himself put an end to the agreement, the seller of the goods cannot take them back from the buyer without the buyer's consent unless the seller obtains an order of the court.

6. If **[after (here insert an amount calculated in accordance with the provisions of sections 33 and 51 of this Act) has been paid]* the seller applies to the court for such an order, the court (under powers conferred by the Hire-Purchase (Scotland) Act 1965) may, if the court thinks it just to do so, allow the buyer to keep either—

- (a) the whole of the goods, on condition that the buyer pays the balance of the price in the manner ordered by the court; or
- (b) a fair proportion of the goods having regard to what the buyer has already paid.

* If the agreement is a subsequent agreement to which section 47 of this Act applies, the words in square brackets should be omitted.

Section 46.

SCHEDULE 3

RECOVERY OF POSSESSION, AND MONEY CLAIMS,
AFTER DEATH OF HIRER OR BUYER*Circumstances to which this Schedule applies*

1. The provisions of this Schedule shall have effect where goods have been let under a hire-purchase agreement, and at any time after the death of a person who, immediately before his death, was the hirer in relation to that agreement (in this Schedule referred to as "the deceased hirer") the following circumstances exist, that is to say—

- (a) the goods have not been delivered to the owner, and a person (in this Schedule referred to as "the person in possession") who is neither the owner of the goods nor the executor of the deceased hirer is in possession of the goods ;
- (b) no order for the specific delivery of the goods or of any part of them has been made against the deceased hirer under Part III of this Act, or, if such an order has been made, its operation has been postponed and the postponement has not been revoked by the court ;
- (c) no order under Part III of this Act for the specific delivery of the goods or of any part of them has (whether in pursuance of this Schedule or otherwise) been made against any person since the death of the deceased hirer.

2. The provisions of this Schedule shall also have effect where goods have been agreed to be sold under a conditional sale agreement and at any time after the death of a person who, immediately before his death, was the buyer in relation to that agreement (in this Schedule referred to as "the deceased buyer") the following circumstances exist, that is to say—

- (a) the goods have not been delivered to the seller, and a person (in this Schedule referred to as "the person in possession") who is neither the seller of the goods nor the executor of the deceased buyer is in possession of the goods ;
- (b) no order for the specific delivery of the goods or of any part of them has been made against the deceased buyer under Part III of this Act, or, if such an order has been made, its operation has been postponed and the postponement has not been revoked by the court ;
- (c) no order under Part III of this Act for the specific delivery of the goods or of any part of them has (whether in pursuance of this Schedule or otherwise) been made against any person since the death of the deceased buyer.

3. Expressions to which a meaning is assigned by Part III of this Act have the same meanings in this Schedule as in that Part of this Act.

Restriction on right to recover possession of protected goods

SCH. 3

4.—(1) At any time when the circumstances specified in paragraph 1 or paragraph 2 of this Schedule exist, and the goods are protected goods, the owner (where the agreement is a hire-purchase agreement) or the seller (where it is a conditional sale agreement) shall not enforce any right to recover possession of the goods from the person in possession otherwise than by action.

(2) Nothing in this paragraph shall be taken to confer on an owner or seller any right to recover, otherwise than by action, possession of any goods let under a hire-purchase agreement or agreed to be sold under a conditional sale agreement where one-third of the hire-purchase price or total purchase price, as the case may be, has not been paid or tendered as mentioned in section 33(1)(b) of this Act.

5. In sections 34(2) and 35(1) of this Act (including those provisions as applied by section 45 of this Act to conditional sale agreements) any reference to contravention of section 34(1) of this Act shall include a reference to contravention of paragraph 4(1) of this Schedule; and accordingly, if the owner or seller recovers possession of goods in contravention of that paragraph, an executor of the deceased hirer or the deceased buyer, as the case may be, shall (without prejudice to any other right exercisable by him as the hirer or buyer in relation to the agreement) be entitled to recover from the owner or seller all sums paid by the hirer or buyer under the agreement or under any security given by him in respect thereof.

Action for possession, and money claims, by owner

6.—(1) In subsections (2) to (6) of section 35, in sections 36 to 44 and in section 48 of this Act—

- (a) any reference to an action to which section 35 of this Act applies shall include a reference to any action to which sub-paragraph (2) of this paragraph applies, and
- (b) any reference to an action to enforce a right to recover possession of protected goods from the hirer shall include a reference to an action to enforce a right to recover possession of protected goods from the person in possession in the circumstances specified in paragraph 1 of this Schedule.

(2) This sub-paragraph applies to any action brought by the owner, in the circumstances specified in paragraph 1 of this Schedule, to enforce a right to recover possession of protected goods from the person in possession, where the owner has not previously, in contravention of section 34(1) of this Act or of paragraph 4(1) of this Schedule, recovered possession of part of the goods let under the agreement.

(3) In any action to which sub-paragraph (2) of this paragraph applies, the court (without prejudice to any other power exercisable by the court) may—

- (a) on the application of any party to the action, sist the action to enable an executor to be appointed, and, if a person who is not a party to the action is so appointed, to enable that person to be made a party thereto, or

SCH. 3

(b) on the application of any person who is not a party to the action, but who satisfies the court that he is the executor, or intends to apply to be appointed executor, of the deceased hirer, sist the action to enable that person to be made a party to the action, and, if he has not been appointed executor, to enable him to be so appointed.

(4) Section 36(1) of this Act shall not apply to any such action.

Action for possession, and money claims, by seller

7.—(1) In subsections (2) to (6) of section 35, in sections 36 to 44 and in section 48 of this Act—

(a) any reference to an action to which section 35 of this Act applies shall include a reference to any action to which sub-paragraph (2) of this paragraph applies, and

(b) any reference to an action to enforce a right to recover possession of protected goods from the buyer shall include a reference to an action to enforce a right to recover possession of protected goods from the person in possession in the circumstances specified in paragraph 2 of this Schedule.

(2) This sub-paragraph applies to any action brought by the seller, in the circumstances specified in paragraph 2 of this Schedule, to enforce a right to recover possession of protected goods from the person in possession, where the seller has not previously, in contravention of section 34(1) of this Act or of paragraph 4(1) of this Schedule, recovered possession of part of the goods agreed to be sold under the agreement.

(3) In any action to which sub-paragraph (2) of this paragraph applies, the court (without prejudice to any other power exercisable by the court) may—

(a) on the application of any party to the action, sist the action to enable an executor to be appointed, and, if a person who is not a party to the action is so appointed, to enable that person to be made a party thereto, or

(b) on the application of any person who is not a party to the action, but who satisfies the court that he is the executor, or intends to apply to be appointed executor, of the deceased buyer, sist the action to enable that person to be made a party to the action, and, if he has not been appointed executor, to enable him to be so appointed.

(4) Section 36(1) of this Act shall not apply to any such action.

(5) In the preceding provisions of this paragraph references to any provisions of sections 35 to 44 of this Act are references to those provisions as applied by section 45 of this Act to conditional sale agreements.

Recovery of possession where postponed order previously made against deceased hirer or buyer

8.—(1) Where the circumstances specified in paragraph 1 or paragraph 2 of this Schedule exist, in a case where—

(a) an order for the specific delivery of the goods has been made under Part III of this Act in an action against the deceased hirer or the deceased buyer, and

(b) the operation of that order has been postponed, then, notwithstanding anything in paragraph 4(1) of this Schedule, any right of the owner or seller to recover possession of the goods from the person in possession shall be enforceable in that action (and not in an action against that person) and shall be so enforceable by an application for the grant of a warrant to officers of court to search such premises in the occupation of that person as may be specified in the warrant and to take possession of the goods or any of them which may be found in such premises.

SCH. 3

Any warrant granted in pursuance of an application under this sub-paragraph shall be deemed to include authority to open, if need be, shut and lockfast places for the purpose of carrying the warrant into lawful execution.

(2) The court may sist any such application in the like circumstances, and for the like purposes, as in accordance with paragraph 6(3) or paragraph 7(3) of this Schedule it could sist an action to which paragraph 6(2) or (as the case may be) paragraph 7(2) of this Schedule applies.

SCHEDULE 4

Section 55.

TRANSITIONAL PROVISIONS

PART I

GENERAL TRANSITIONAL PROVISIONS

1. In so far as any regulation, order, appropriation or request made, payment made or recovered, information given, notice, copy or other document delivered or sent, or other thing done, under an enactment repealed by this Act could have been made, recovered, given, delivered, sent or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by section 55(5) of this Act, but shall have effect as if made, recovered, given, delivered, sent or done under that corresponding provision:

Provided that this paragraph shall not apply to any regulations revoked as from the commencement of this Act in the exercise of the powers conferred by section 53(4) of this Act.

2. Where any Act (whether passed before, or in the same Session as, this Act) or any document refers, either expressly or by implication, to an enactment repealed by this Act, the reference shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Act.

3. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

4. Without prejudice to paragraph 1 of this Schedule, any reference in this Act (whether express or implied) to a thing done or required or authorised to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to or in contravention of any provisions of this Act shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or required or authorised

SCH. 4 to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to or in contravention of the corresponding provisions of the enactments repealed by this Act.

5. Nothing in this Act shall affect the enactments repealed thereby in their operation in relation to offences committed before the commencement of this Act.

PART II

TRANSITIONAL PROVISIONS APPLICABLE TO ORDERS IN COUNCIL UNDER SECTION 3

6. Where an Order in Council is made under section 3, the provisions of Parts II, III, and IV of this Act, and of Schedules 1 to 3 of this Act, shall not, except as provided by the following provisions of this Part of this Schedule, have effect in relation to—

- (a) any hire-purchase agreement or conditional sale agreement made before the operative date which is by virtue of the Order included in references to which section 2(2) applies, but would not be so included apart from the Order, or
- (b) any credit-sale agreement made before that date which is by virtue of the Order included in references to which section 2(3) or section 2(4) applies, but would not be so included apart from the Order.

7. Notwithstanding anything in the last preceding paragraph, in relation to any hire-purchase agreement or conditional sale agreement made before the operative date which (not being excluded by section 4) is by virtue of the Order included in references to which section 2(2) applies, but would not be so included apart from the Order,—

- (a) sections 25 and 26 shall apply, except in the case of a default committed before the operative date ;
- (b) section 30 shall apply where the hirer or buyer dies on or after that date ;
- (c) sections 33 and 47 shall apply in relation to any time on or after that date ;
- (d) section 34 shall apply in relation to the recovery of possession of protected goods on or after that date ;
- (e) Part III of this Act (other than sections 33, 34, 46 and 47) shall apply in relation to actions begun on or after that date ;
- (f) section 46 and Schedule 3 to this Act shall apply where the hirer or buyer dies on or after that date ;
- (g) section 49 shall apply so far as it relates to payments made on or after that date ;
- (h) section 51 (except paragraph (a) of subsection 1 thereof) shall apply.

8. Any reference in this Part of this Schedule to a numbered section shall be construed as a reference to a section bearing that number in this Act.

9. In this Part of this Schedule “the operative date”, in relation to an Order in Council, means the date on which the Order comes into operation.

SCHEDULE 5

Section 55.

ENACTMENTS AMENDED

<i>Enactment</i>	<i>Amendment</i>
The Liability for War Damage (Miscellaneous Provisions) Act 1939 (2 & 3 Geo. 6. c. 102).	In section 6, for paragraph (b) there shall be substituted the following paragraph:— “(b) for paragraph (a) of subsection (3) of section 1 of this Act there shall be substituted the following paragraph: ‘(a) a hire-purchase agreement (as defined by section 1 of the Hire-Purchase (Scotland) Act 1965) under which the hire-purchase price does not exceed £100; or’”.
The Law Reform Miscellaneous Provisions (Scotland) Act 1940 (3 & 4 Geo. 6. c. 42).	In section 4(2), for the words from “whether the purchase” to the end of the subsection there shall be substituted the words “and (b) any contract which forms a hire-purchase, credit-sale or conditional sale agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965”.
The Agriculture (Miscellaneous Provisions) Act 1950 (14 Geo. 6. c. 17).	In section 1(4), for the words from “a reference” to the end of the subsection there shall be substituted the words “‘hire-purchase agreement’ means a hire-purchase or conditional sale agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965”.
The Housing (Scotland) Act 1950 (14 Geo. 6. c. 34).	In section 68(2), for the words from “a contract” to the end of the subsection there shall be substituted the words “a hire-purchase or conditional sale agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965”.
The Rag Flock and Other Filling Materials Act 1951 (14 & 15 Geo. 6. c. 63).	In section 10(7) for the words from “a contract to which” to the end of the subsection there shall be substituted the words “‘hiring under a hire-purchase agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965 or to an agreement to sell under a conditional sale agreement as defined by that section”.
The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (14 & 15 Geo. 6. c. 65).	In section 10(3) for the words from “the expression” to the end of the subsection there shall be substituted the words “the expressions ‘hire-purchase agreement’,

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*Enactment.**Amendment*

- The Reserve and Auxiliary Act—*cont.*
- The Clean Air Act 1956 (4 & 5 Eliz. 2. c. 52).
- The Restrictive Trade Practices Act 1956 (4 & 5 Eliz. 2. c. 68).
- The Advertisements (Hire-Purchase) Act 1957 (5 & 6 Eliz. 2. c. 41).
- The Consumer Protection Act 1961 (9 & 10 Eliz. 2. c. 40).
- ‘hirer’ and ‘owner’ have the meanings respectively assigned to them by sections 1 and 54(1) of the Hire-Purchase (Scotland) Act 1965 and include references respectively to a conditional sale agreement, a buyer and a seller, all as defined by those sections, and the expression ‘let’ shall be construed accordingly”.
- In section 34(1) in the definition of “hire-purchase agreement”, for the words from “contract” to the end of the definition there shall be substituted the words “hire-purchase or conditional sale agreement such as is mentioned in subsection (2) of section 2 of the Hire-Purchase (Scotland) Act 1965 (or that subsection as amended by section 3(1) of that Act), and ‘letting’ shall be construed accordingly”.
- In section 26(4), for the words from “a contract to which” to the end of the subsection there shall be substituted the words “letting under a hire-purchase agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965 or to an agreement to sell under a conditional sale agreement as defined by that section”.
- In section 4(1), in the definition of “hire-purchase”, for the words from “contract” to the end of the definition there shall be substituted the words “hire-purchase agreement as defined by section 1 of the Hire-Purchase (Scotland) Act 1965”.
- In section 5, in the definition of “credit-sale agreement” for the words from “an agreement to sell” to the end of the definition there shall be substituted the words “a conditional sale agreement such as is mentioned in the next following paragraph”; and in the definition of “hire-purchase agreement” for the words “contract to which the Act of 1932 applies” there shall be substituted the words “hire-purchase or conditional sale

Enactment

Amendment

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The Consumer Protection Act 1961 (9 & 10 Eliz. 2. c. 40) —
cont.

agreement such as is mentioned in subsection (2) of section 2 of the Hire-Purchase (Scotland) Act 1965 (or that subsection as amended by section 3(1) of that Act)”, and for the words “contract as aforesaid and to a purchaser” there shall be substituted the words “conditional sale agreement and to a buyer”.

The Vehicles (Excise) Act 1962 (10 & 11 Eliz. 2. c. 13).

In section 24(1), in the definition of “hackney carriage”, for the words “section twenty-one of the Hire-Purchase Act 1938” there shall be substituted the words “section 1 of the Hire-Purchase (Scotland) Act 1965”.

The Hire-Purchase Act 1964 (1964 c. 53).

In section 29(1), for the words “section 21(5) of, and paragraph 6 of Schedule 1 to, this Act”, and for the words “section 21(1) of the Hire-Purchase Act 1938”, there shall in each case be substituted the words “sections 1 and 54(1) of the Hire-Purchase (Scotland) Act 1965”.

In section 29(4), in paragraph (a), for the words “the Hire-Purchase Act 1938” there shall be substituted the words “the Hire-Purchase (Scotland) Act 1965” and for “13(1)” there shall be substituted “38(1)”; and in paragraph (b), for the words from “in relation to that agreement” to “this Act)” there shall be substituted the words “the buyer in relation to that agreement for the purposes of the Hire-Purchase (Scotland) Act 1965”, and for the words from “section 13(1)” to “that Schedule)” there shall be substituted the words “the provision substituted for section 38(1) of that Act by section 45(3) thereof”.

Section 55.

SCHEDULE 6
ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5. c. 38.	The Hire Purchase and Small Debt (Scotland) Act 1932.	In section 11, the words " Hire Purchase and ".
3 & 4 Geo. 6. c. 42.	The Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	Section 4 (3).
9 & 10 Eliz. 2. c. 40.	The Consumer Protection Act 1961.	In section 5, the definition of " Act of 1932 ".
1964 c. 53.	The Hire-Purchase Act 1964.	Part II. Sections 33, 34(2), 35(2), 37(3) and (4). Schedules 1, 2, 5 and 7.



Salmon and Freshwater Fisheries Act 1965

1965 CHAPTER 68

An Act to repeal and re-enact with amendments section 9 of the Salmon and Freshwater Fisheries Act 1923.

[5th August 1965]

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

1. Section 9 of the Salmon and Freshwater Fisheries Act 1923 shall be repealed and replaced by the following section:—

Replacement of s. 9 of Act of 1923. 1923 c. 16.

“ Prohibition of use of explosives, poisons or electrical devices and of destruction of dams, &c.

9.—(1) No person shall use in or near any waters (including waters adjoining the coast of England and Wales and within the exclusive fishery limits of the British Islands) any explosive substance, any poison or other noxious substance, or any electrical device, with intent thereby to take or destroy fish:

Provided that this subsection shall not apply to the use by a person of any substance or device—

- (a) for a scientific purpose, or for the purpose of protecting, improving or replacing stocks of fish; and
- (b) with the permission in writing of the appropriate authority;

and for this purpose the appropriate authority where the waters in question are in the area of a river authority (including the Isle of Wight River and Water Authority) is that river authority, or where they are in the area of the Conservators of the River Thames or the Lee Conservancy Catchment Board is the said Conservators or Board as the case may be, or where they are in the London excluded area (within

1963 c. 38.

the meaning of section 125 of the Water Resources Act 1963) is the Minister; but as respects the use of any noxious substance such permission shall not be given by a river authority or the said Conservators or Board otherwise than with the approval of the Minister.

(2) No person shall unlawfully or maliciously cut through, break down or otherwise destroy any dam, floodgate or sluice with intent thereby to take or destroy fish.

(3) A person who contravenes subsection (1) or (2) of this section or who, for the purpose of contravening the said subsection (1), has in his possession any explosive or noxious substance or any electrical device, shall be guilty of an offence and shall be liable—

(a) on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £50, or in the case of a second or subsequent conviction for an offence under this section to imprisonment for a term not exceeding three months or a fine not exceeding £100 or both;

(b) on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both;

and section 74(3) of this Act (increased penalty on third or subsequent conviction) shall not apply for the punishment of a person on his conviction of an offence under this section.

(4) The court by which a person is convicted of an offence under this section—

(a) in the case of a contravention of subsection (1) or (2) of this section, may order the forfeiture of any fish illegally taken by the person convicted or in his possession at the time of the offence, and of any instrument or thing used in the commission of the offence not being, except where the conviction is on indictment, a vessel or vehicle; or

(b) in the case of an offence of unlawful possession of any substance or device, may order the forfeiture of that substance or device and, where the conviction is on indictment, of any vessel or vehicle in which the substance or device was contained at the time of the offence;

and may order any object so forfeited to be disposed of as the court thinks fit.

(5) The use of any substance in any waters for a purpose falling within paragraph (a) of the proviso to subsection (1) of this section, and with the permission mentioned in paragraph (b) thereof, shall not constitute an offence under any of the following provisions, namely, section 8 of this Act, any byelaw made under section 59(1)(p) of this Act, section 2(1)(a) of the Rivers (Prevention of Pollution) Act 1951 and section 22(1)(a) of the Rivers (Prevention of Pollution) (Scotland) Act 1951.” 1951 c. 64.
1951 c. 66.

2.—(1) This Act may be cited as the Salmon and Freshwater Fisheries Act 1965, and the Salmon and Freshwater Fisheries Acts 1923 to 1964 and this Act may be cited together as the Salmon and Freshwater Fisheries Acts 1923 to 1965. Citation, consequential amendments and commencement.

(2) In section 67(1)(d) of the Salmon and Freshwater Fisheries Act 1923, after “instrument” there shall be inserted “vessel, vehicle or other thing”. 1923 c. 16.

(3) In section 126(1) of the Water Resources Act 1963, for “1935” there shall be substituted “1965”. 1963 c. 38.

(4) In Schedule 1 to the Fishery Limits Act 1964, the entry relating to the Salmon and Freshwater Fisheries Act 1923 is hereby repealed. 1964 c. 72.

(5) This Act shall come into operation at the expiration of three months from the date of its passing.



Criminal Procedure (Attendance of Witnesses) Act 1965

1965 CHAPTER 69

An Act to make new provision for securing the attendance of witnesses in criminal proceedings before courts of assize and quarter sessions; to abolish the binding over of prosecutors for the purpose of such proceedings; to restrict the issue of subpoenas for securing the attendance of witnesses before magistrates' courts; and for connected purposes. [5th August 1965]

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

Order by examining justices for attendance of witness at court of trial.

1.—(1) A magistrates' court acting as examining justices shall in respect of each witness examined by the court, other than the accused and any witness of his merely to his character, make an order (in this Act referred to as a witness order) requiring him to attend and give evidence before the court of assize or quarter sessions before which the accused is to be tried.

(2) Where it appears to the court, after taking into account any representation made by the accused or the prosecutor, that the attendance at the trial of any witness is unnecessary on the ground that his evidence is unlikely to be required or is unlikely to be disputed, then—

(a) any witness order to be made by the court in his case shall be a conditional order requiring him to attend the trial if notice in that behalf is given to him and not otherwise; and

(b) if a witness order other than a conditional order has previously been made by the court in his case, the court shall direct that that order be treated as a conditional order.

(3) A magistrates' court on committing any person for trial shall inform him of his right to require the attendance at the trial of any witness in respect of whom a conditional witness order, or an order treated as a conditional witness order, has been made, and of the steps he must take for the purpose of enforcing the attendance.

(4) Section 5 of the Magistrates' Courts Act 1952 (which requires a magistrates' court acting as examining justices to bind over witnesses to attend and give evidence before the court at which the accused is to be tried and also to bind over the prosecutor to prosecute the accused before that court) shall cease to have effect, but without prejudice to any recognisance entered into under that section before the commencement of this Act. 1952 c. 55.

2.—(1) For the purpose of any criminal proceedings before a court of assize or quarter sessions a witness summons, that is to say, a summons requiring the person to whom it is directed to attend before the court and give evidence or produce any document or thing specified in the summons, may be issued out of that court or out of the High Court. Summons to witness to attend court of assize or quarter sessions.

(2) If any person in respect of whom a witness summons has been issued applies to the court out of which the summons was issued or to the High Court, and satisfies the court that he cannot give any material evidence or, as the case may be, produce any document or thing likely to be material evidence, the court may direct that the summons shall be of no effect.

(3) The provisions of Schedule 1 to this Act shall have effect in relation to applications under the last foregoing subsection.

3.—(1) Any person who without just excuse disobeys a witness order or witness summons requiring him to attend before any court shall be guilty of contempt of that court and may be punished summarily by that court as if his contempt had been committed in the face of the court. Punishment for disobedience to witness order or witness summons.

(2) No person shall by reason of such disobedience be liable to imprisonment for a period exceeding three months.

(3) In section 4(5) of the Criminal Justice Administration Act 1962 (power of legally qualified chairman of quarter sessions to sit alone where no other member of the court is available) references to dealing or further dealing with the case of a person committed to the court for trial shall include references to dealing or further dealing with a person under this section. 1962 c. 15.

Further process to secure attendance of witness.

4.—(1) If a judge of the High Court is satisfied by evidence on oath that a witness in respect of whom a witness order or witness summons is in force is unlikely to comply with the order or summons, the judge may issue a warrant to arrest the witness and bring him before the court before which he is required to attend:

Provided that a warrant shall not be issued under this subsection in the case of a witness subject to a conditional witness order unless notice has been given requiring him to attend the trial, nor in the case of a witness subject to a witness summons unless the judge is satisfied by such evidence as aforesaid that the witness is likely to be able to give material evidence or produce any document or thing likely to be material evidence in the proceedings.

(2) Where a witness who is required to attend before a court of assize or quarter sessions by virtue of a witness order or a witness summons fails to attend in compliance with the order or summons, that court may—

- (a) in any case, cause to be served on him a notice requiring him to attend the court forthwith or at such time as may be specified in the notice;
- (b) if the court is satisfied that there are reasonable grounds for believing that he has failed to attend without just excuse, or if he has failed to comply with a notice under paragraph (a) above, issue a warrant to arrest him and bring him before the court.

(3) A witness brought before a court in pursuance of a warrant under this section may be remanded by that court in custody or on bail (with or without sureties) until such time as the court may appoint for receiving his evidence or dealing with him under section 3 of this Act; and where a witness attends a court in pursuance of a notice under this section the court may direct that the notice shall have effect as if it required him to attend at any later time appointed by the court for receiving his evidence or dealing with him as aforesaid.

Provisions supplementary to s. 4.

5.—(1) Subject to the following provisions of this section, if at the time when a witness is arrested under section 4 of this Act he cannot forthwith be brought before the court of assize or quarter sessions specified in the warrant because that court is not being held, the warrant shall have effect as if it directed him to be brought before a magistrates' court for the place where he is arrested; and that court shall commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before that court of assize or quarter sessions.

(2) If the judge or court issuing a warrant in respect of any witness under section 4 of this Act is of opinion that it is appropriate to do so, the judge or court may endorse the warrant for bail, and in any such case—

- (a) on the arrest of the witness under the warrant he shall, unless he can forthwith be brought before the court specified in the warrant, be taken to a police station; and
- (b) the officer in charge of the station shall release him from custody if he, and any sureties required by the endorsement and approved by the officer, enter into recognisances of such amount as may be fixed by the endorsement, conditioned for the appearance of the witness before the court specified in the warrant; and
- (c) subsection (1) above shall not apply except where the witness is unable to secure his release in accordance with this subsection.

(3) If a court issuing a warrant in respect of any witness under section 4(2) of this Act is of opinion that the evidence of the witness can be dispensed with but that consideration should be given to dealing with him under section 3 of this Act, it may endorse the warrant as issued for the purposes of the said section 3, and in any such case—

- (a) the magistrates' court shall not commit a witness to custody under subsection (1) above unless satisfied that the court specified in the warrant will be held within seven days after the date of the committal; and
- (b) if not so satisfied the magistrates' court may, instead of releasing him on bail, commit him to custody to be brought before a judge of the High Court or a commissioner of assize, and that judge or commissioner shall in respect of the witness have all the powers of the court under section 3 of this Act.

(4) Where a witness appears before a court in pursuance of a recognisance entered into under section 4(3) of this Act or this section, the court may enlarge his recognisance and those of his sureties, if any, to any later time appointed by the court for receiving the evidence of that person or dealing with him under section 3 of this Act.

(5) Without prejudice to the enforcement of any recognisance entered into as aforesaid, section 4 of this Act shall apply to any witness who fails to attend before a court in compliance with such a recognisance as it applies to a witness who fails to attend in obedience to a witness order or witness summons, and the foregoing provisions of this section shall have effect accordingly.

Special provision for transferred trials.
1925 c. 86.

6.—(1) If, under section 14(2) of the Criminal Justice Act 1925, a court of assize or quarter sessions directs that a person committed for trial be tried or retried before another such court, the following powers of the court under this Act, that is to say—

- (a) the powers conferred by subsection (2) of section 4 in the case of a witness who has failed to attend the court; and
- (b) the powers conferred by subsection (3) of that section or subsection (4) of section 5 in the case of a witness who is brought or attends or appears before the court pursuant to a warrant, notice or recognisance,

may be exercised by the first-mentioned court for the purpose of securing the attendance or further attendance of the witness before that other court; and references to the court in those provisions shall be construed accordingly.

1938 c. 63.

(2) The provision made under subsection (3) of section 14 of the said Act of 1925 and under subsection (5) of section 11 of the Administration of Justice (Miscellaneous Provisions) Act 1938 for the alteration of proceedings and documents where a case is transferred under those sections shall extend to all process issued under this Act, and subsection (1) of this section shall be without prejudice to the provision made under the said section 14(3).

Witness orders by coroners.
1926 c. 59.

7.—(1) The provisions of this Act relating to witness orders shall be included among the provisions which may be applied by rules under section 25(2) of the Coroners (Amendment) Act 1926 to proceedings in the case of persons charged by a coroner's inquisition.

1887 c. 71.

(2) So much of section 5(1) of the Coroners Act 1887 as relates to the binding over of witnesses and prosecutors shall cease to have effect, but without prejudice to any recognisance entered into under that section before the commencement of this Act.

Abolition of subpoenas in certain proceedings.
1952 c. 55.

8. No subpoena ad testificandum or subpoena duces tecum shall issue after the commencement of this Act in respect of any proceedings for the purpose of which a witness summons may be issued under section 2 of this Act or in respect of any proceedings for the purpose of which a summons may be issued under section 77 of the Magistrates' Courts Act 1952 (process for attendance of witnesses in magistrates' courts).

Powers of Parliament of Northern Ireland.
1920 c. 67.

9. Notwithstanding anything in the Government of Ireland Act 1920 the Parliament of Northern Ireland shall have power to make laws for purposes similar to the purposes of this Act.

10.—(1) This Act may be cited as the Criminal Procedure (Attendance of Witnesses) Act 1965.

Short title,
consequential
amendments
and repeals,
commence-
ment,
interpretation
and extent.
1824 c. 83.
1840 c. 50.

(2) Section 9 of the Vagrancy Act 1824 and section 19 of the Canals (Offences) Act 1840 (recognisances to give evidence in appeals etc. at quarter sessions) shall cease to have effect, but without prejudice to any recognisance entered into under either of those sections before the commencement of this Act.

(3) The enactments mentioned in Part I of Schedule 2 to this Act shall have effect subject to the amendments specified in the second column of that Part, and the enactments mentioned in Part II of that Schedule are hereby repealed to the extent specified in the third column of that Part; but the said amendments and repeals shall not affect the operation of those enactments in relation to any recognisance entered into before the commencement of this Act.

(4) This Act shall come into force at the expiration of the period of two months beginning with the date on which it is passed.

(5) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by any other enactment.

(6) Section 9 extends to Northern Ireland and so much of this section and Schedule 2 to this Act as relates to the Writ of Subpoena Act 1805 extends to Scotland and Northern Ireland, 1805 c. 92. but, save as aforesaid, this Act does not extend to Scotland and Northern Ireland.

SCHEDULES

Section 2.

SCHEDULE 1**APPLICATION FOR DIRECTION THAT WITNESS SUMMONS
BE OF NO EFFECT***Procedure*

1. Any application under section 2(2) of this Act for a direction in respect of a witness summons shall be made in accordance with rules of court or, in the case of an application to a court of quarter sessions, the standing orders of that court.

2. Provision shall be made by rules of court or, as the case may be, standing orders—

- (a) for requiring the service of notice of any such application on the person at whose instance the witness summons was issued;
- (b) for enabling any such application to the High Court to be heard and determined by a judge of that Court in chambers;
- (c) for enabling any such application to a court of quarter sessions to be heard and determined otherwise than in court—
 - (i) in the case of quarter sessions for a county or a London commission area, by the chairman or any deputy chairman;
 - (ii) in the case of quarter sessions for a borough, by the recorder or any deputy or assistant recorder.

Costs

3. Where on any such application a direction is given that a witness summons shall be of no effect, the person at whose instance the summons was issued may be ordered to pay the whole or any part of the costs of the application.

4. Any costs payable under such an order shall be taxed by the proper officer of the court, and payment of those costs shall be enforceable in the same manner as an order for payment of costs made by the High Court in a civil case or as a sum adjudged summarily to be paid as a civil debt.

Section 10.

SCHEDULE 2**CONSEQUENTIAL AMENDMENTS AND REPEALS****PART I**

The Writ of Subpoena In sections 3 and 4 references to a writ of
Act 1805. subpoena requiring the appearance of a
45 Geo. 3. c. 92. person to give evidence shall be construed
as including references to a witness summons
under section 2 of this Act.

- The Quarter Sessions Act 1842.**
5 & 6 Vict. c. 38. In section 3 references to a recognisance to give evidence shall be construed as references to a witness order or conditional witness order.
- The Assizes Relief Act 1889.**
52 & 53 Vict. c. 12. In section 3(1) the words from "and persons have been bound over" to "for any county or place" shall be omitted and for the words "that court" there shall be substituted the words "a court of quarter sessions for any county or place".
- The Criminal Justice Act 1925.**
15 & 16 Geo. 5. c. 86. In section 13(3), in paragraph (a), for the words "whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section" there shall be substituted the words "in respect of whom a conditional witness order, or an order treated as a conditional witness order, has been made under section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965", and in proviso (ii), for the words from "whose attendance" to "aforesaid" there shall be substituted the words "in respect of whom such an order as aforesaid has been made".
- The Magistrates' Courts Act 1952.**
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. In section 122(1)(e) for the words "of persons bound over conditionally by examining justices to attend a trial on indictment" there shall be substituted the words "at a trial on indictment of persons in respect of whom conditional witness orders, or orders treated as conditional witness orders, have been made under section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965".

PART II

Chapter	Short Title	Extent of Repeal
1 Edw. 6. c. 1. 38 Geo. 3. c. 52.	The Sacrament Act 1547. The Counties of Cities Act 1798.	Section 3. In section 3 the words from "and to cause the prosecutors" to "adjoining county". In section 5 the words from the beginning to "franchise", the words from "for the appearance as well of witnesses" to "aforesaid, as", the words "to give evidence upon such bill of indictment, or", the words "prosecute or give or be ready to give evidence" and the words from "prosecute, give" to "inquisition".

Chapter	Short Title	Extent of Repeal
5 Geo. 4. c. 83. 7 Geo. 4. c. 64.	The Vagrancy Act 1824. The Criminal Law Act 1826.	Section 9. In section 31, the words from "to prosecute" to "misdemeanor, or". Section 19.
3 & 4 Vict. c. 50.	The Canals (Offences) Act 1840.	
5 & 6 Vict. c. 38.	The Quarter Sessions Act 1842.	In section 3, the words from the beginning to "to try, and" the words "prosecute and" and the words "prosecuting such offence".
7 & 8 Vict. c. 2.	The Admiralty Offences Act 1844.	In section 3 the words from "and shall have authority" to "accused" and the words "and recognizances".
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act 1851.	In section 19, the words from "and the recognizances" to "next adjoining county" and the word "recognizances" where it next occurs.
14 & 15 Vict. c. 100.	The Criminal Procedure Act 1851.	In section 27 the words from "and may respite" to the end.
42 & 43 Vict. c. 22.	The Prosecution of Offences Act 1879.	In section 7, the first paragraph, and in the second paragraph, the words "had been bound over to prosecute and".
50 & 51 Vict. c. 71.	The Coroners Act 1887.	In section 5(1), the words from "and shall bind by recognizance" to the end. In section 20(2), the words "prosecute, give evidence, or" in both places where they occur.
52 & 53 Vict. c. 12.	The Assizes Relief Act 1889.	In section 1(2) the words "prosecute or". In section 3(1), the words from "and persons have been bound over" to "for any county or place".
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	In section 78(4), the words "to appear and give evidence".
16 & 17 Geo. 5. c. 59.	The Coroners (Amendment) Act 1926.	In section 25(2), the words "to bind over witnesses and".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	Section 5.



Honourable Lady Hylton-Foster's Annuity Act 1965

1965 CHAPTER 70

An Act to settle and secure an annuity upon Audrey Pellew Hylton-Foster, commonly known as the Honourable Lady Hylton-Foster, in consideration of the eminent services of her late husband, the Right Honourable Sir Harry Braustyn Hylton Hylton-Foster.

[8th November 1965]

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

1.—(1) In consideration of the eminent services as Speaker of the House of Commons of the Right Honourable Sir Harry Braustyn Hylton-Foster, there shall be paid to his widow, Audrey Pellew Hylton-Foster, commonly known as the Honourable Lady Hylton-Foster, an annuity of one thousand six hundred and sixty-seven pounds, which shall be payable as from 3rd September 1965 and, subject to subsection (2) of this section, continue during her life.

(2) In the event of the remarriage of the said lady, the said annuity shall cease to be payable, but the Treasury may, if they think fit, at any time direct that the annuity be restored if they are satisfied that the marriage has been terminated or that there are exceptional reasons for the payment of the annuity notwithstanding the subsistence of the marriage.

(3) The said annuity shall be charged on the Consolidated Fund and shall be paid out of that Fund in such instalments and at such intervals as the Treasury may from time to time determine.

Short title.

2. This Act may be cited as the Honourable Lady Hylton-Foster's Annuity Act 1965.



Murder (Abolition of Death Penalty) Act 1965

1965 CHAPTER 71

An Act to abolish capital punishment in the case of persons convicted in Great Britain of murder or convicted of murder or a corresponding offence by court-martial and, in connection therewith, to make further provision for the punishment of persons so convicted.

[8th November 1965]

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

1.—(1) No person shall suffer death for murder, and a person convicted of murder shall, subject to subsection (5) below, be sentenced to imprisonment for life. Abolition of death penalty for murder.

(2) On sentencing any person convicted of murder to imprisonment for life the Court may at the same time declare the period which it recommends to the Secretary of State as the minimum period which in its view should elapse before the Secretary of State orders the release of that person on licence under section 27 of the Prison Act 1952 or section 21 of the Prisons (Scotland) Act 1952. 1952 c. 52.
1952 c. 61.

(3) For the purpose of any proceedings on or subsequent to a person's trial on a charge of capital murder, that charge and any plea or finding of guilty of capital murder shall be treated as being or having been a charge, or a plea or finding of guilty, of murder only; and if at the commencement of this Act a person is under sentence of death for murder, the sentence shall have effect as a sentence of imprisonment for life.

(4) In the foregoing subsections any reference to murder shall include an offence of or corresponding to murder under section 70 of the Army Act 1955 or of the Air Force Act 1955 or under 1955 c. 18. section 42 of the Naval Discipline Act 1957, and any reference to 1955 c. 19. capital murder shall be construed accordingly; and in each of 1957 c. 53.

the said sections 70 there shall be inserted in subsection (3) after paragraph (a) as a new paragraph (aa)—

“(aa) if the corresponding civil offence is murder, be liable to imprisonment for life”.

1933 c. 12.
1937 c. 37.

(5) In section 53 of the Children and Young Persons Act 1933, and in section 57 of the Children and Young Persons (Scotland) Act 1937, there shall be substituted for subsection (1)—

“(1) A person convicted of an offence who appears to the court to have been under the age of eighteen years at the time the offence was committed shall not, if he is convicted of murder, be sentenced to imprisonment for life, nor shall sentence of death be pronounced on or recorded against any such person; but in lieu thereof the court shall (notwithstanding anything in this or in any other Act) sentence him to be detained during Her Majesty's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the Secretary of State may direct.”

Release on
licence of
those
sentenced
for murder.
1952 c. 52.
1952 c. 61.

2. No person convicted of murder shall be released by the Secretary of State on licence under section 27 of the Prison Act 1952 or section 21 of the Prisons (Scotland) Act 1952 unless the Secretary of State has prior to such release consulted the Lord Chief Justice of England or the Lord Justice General as the case may be together with the trial judge if available.

Short title,
repeal, extent
and com-
mencement.

3.—(1) This Act may be cited as the Murder (Abolition of Death Penalty) Act 1965.

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

(3) This Act, except as regards courts-martial, shall not extend to Northern Ireland.

(4) This Act shall come into force on the day following that on which it is passed.

Duration.

4. This Act shall continue in force until the thirty-first day of July nineteen hundred and seventy, and shall then expire unless Parliament by affirmative resolutions of both Houses otherwise determines: and upon the expiration of this Act the law existing immediately prior to the passing of this Act shall, so far as it is repealed or amended by this Act, again operate as though this Act had not been passed, and the said repeals and amendments had not been enacted:

Provided that this Act shall continue to have effect in relation to any murder not shown to have been committed after the expiration of this Act, and for this purpose a murder shall be taken to be committed at the time of the act which causes the death.

SCHEDULE

Section 2.

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
33 Hen. 8. c. 12.	The Offences within the Court Act 1541.	Section 2, so far as relates to the punishment of persons found guilty of murder.
25 Geo. 2. c. 37.	The Murder Act 1751.	In section 9 the words from "or rescue", where secondly occurring, to "during execution".
4 Geo. 4. c. 48.	The Judgment of Death Act 1823.	In section 1 the words "except murder".
24 & 25 Vict. c. 100.	The Offences against the Person Act 1861.	Section 1 (but without prejudice to the operation of sections 64 to 68). In section 71 the words "otherwise than with death".
31 & 32 Vict. c. 24.	The Capital Punishment Amendment Act 1868.	The whole Act, except as applied by any other enactment.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	In section 55 the words from "in cases in" to "conviction, or". In section 56 the words from "except on conviction" to "1829".
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	In section 70(3)(a) the words "or murder" (and the words added by the Homicide Act 1957). In section 125(2) the words "and any rules made under section seven of that Act."
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	In section 70(3)(a) the words "or murder" (and the words added by the Homicide Act 1957). In section 125(2) the words "and any rules made under section seven of that Act."
5 & 6 Eliz. 2. c. 11.	The Homicide Act 1957.	Sections 5 to 12. In section 13, in subsection (1) the words from "and" to "Part III", and subsection (2). Section 15. Schedule 1.
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	In section 42(1), in paragraph (a) the words from "or" to "1957" and in paragraph (b) the word "other". In section 80(2) the words "and any rules made under section seven of that Act".



Matrimonial Causes Act 1965

1965 CHAPTER 72

An Act to consolidate certain enactments relating to matrimonial causes, maintenance and declarations of legitimacy and British nationality, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act 1949. [8th November 1965]

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

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Divorce

1.—(1) Subject to the next following section, a petition for Grounds for divorce may be presented to the High Court (hereafter in this petition. Act referred to as “the court”)—

(a) by the husband or the wife on the ground that the respondent—

(i) has since the celebration of the marriage committed adultery ; or

(ii) has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition ; or

(iii) has since the celebration of the marriage treated the petitioner with cruelty ; or

(iv) is incurably of unsound mind and has been continuously under care and treatment for a period of at least five years immediately preceding the presentation of the petition ;

PART I

(b) by the wife on the ground that her husband has since the celebration of the marriage been guilty of rape, sodomy or bestiality.

(2) In calculating for the purposes of subsection (1)(a)(ii) of this section the period for which the respondent has deserted the petitioner without cause, and in considering whether the desertion has been continuous, no account shall be taken of any one period (not exceeding three months) during which the parties resumed cohabitation with a view to reconciliation; and, for the purposes of a petition for divorce, the court may treat a period of desertion as having continued at a time when the deserting party was incapable of continuing the necessary intention if the evidence before the court is such that, had that party not been so incapable, the court would have inferred that that intention continued at that time.

(3) For the purposes of subsection (1)(a)(iv) of this section, a person of unsound mind shall be deemed to be under care and treatment while, and only while—

(a) he is liable to be detained in a hospital, mental nursing home or place of safety under the Mental Health Act 1959 or in a hospital or place of safety under the Mental Health (Scotland) Act 1960;

(b) he is detained in pursuance of an order for his detention or treatment as a person of unsound mind or a person suffering from mental illness made under any law for the time being in force in Northern Ireland, the Isle of Man or any of the Channel Islands (including any such law relating to criminal lunatics) or is receiving treatment as a voluntary patient under any law so in force;

(c) he is receiving treatment for mental illness as a resident in—

(i) a hospital or other institution provided, approved, licensed, registered or exempted from registration by any Minister or other authority in the United Kingdom, the Isle of Man or the Channel Islands; or

(ii) a hospital or other institution in any other country, being a hospital or institution in which his treatment is comparable with the treatment provided in any such hospital or institution as is mentioned in sub-paragraph (i) of this paragraph;

and, in determining for the purposes of the said subsection (1)(a)(iv) whether any period of care and treatment has been continuous, any interruption of the period for twenty-eight days or less shall be disregarded.

(4) A certificate by a Secretary of State that a person was receiving treatment for mental illness during any period as a resident in any naval, military or air force hospital under the direction of the Defence Council shall for the purposes of paragraph (c) of the last foregoing subsection be conclusive evidence of the facts certified.

PART I

2.—(1) Subject to the next following subsection, no petition for divorce shall be presented to the court before the expiration of the period of three years from the date of the marriage (hereafter in this section referred to as “the specified period”).

Restriction on petitions within three years of marriage.

(2) A judge of the court may, on an application made to him, allow the presentation of a petition for divorce within the specified period on the ground that the case is one of exceptional hardship suffered by the petitioner or of exceptional depravity on the part of the respondent; but in determining the application the judge shall have regard to the interests of any relevant child and to the question whether there is reasonable probability of a reconciliation between the parties during the specified period.

(3) Nothing in this section shall be deemed to prohibit the presentation of a petition based upon matters which occurred before the expiration of the specified period.

3.—(1) A person shall not be prevented from presenting a petition for divorce, or the court from granting a decree of divorce, by reason only that the petitioner has at any time, on the same facts or substantially the same facts as those proved in support of the petition, been granted a decree of judicial separation or an order under, or having effect as if made under, the Matrimonial Proceedings (Magistrates' Courts) Act 1960 or any corresponding enactments in force in Northern Ireland, the Isle of Man or any of the Channel Islands.

Divorce not precluded by previous judicial separation.

1960 c. 48.

(2) On a petition for divorce in such a case as is mentioned in the foregoing subsection, the court may treat the decree of judicial separation or the said order as sufficient proof of the adultery, desertion or other ground on which it was granted, but shall not grant a decree of divorce without receiving evidence from the petitioner.

(3) For the purposes of a petition for divorce in such a case, a period of desertion immediately preceding the institution of proceedings for a decree of judicial separation or for such an order as aforesaid having the effect of a decree of judicial separation shall, if the parties have not resumed co-habitation and the decree or order has been continuously in force since it was granted, be deemed immediately to precede the presentation of the petition.

PART I
Alleged
adulterer
as a party.

4.—(1) On a petition for divorce presented by the husband on the ground of adultery, or in the answer of a husband praying for divorce on that ground, the husband shall make the alleged adulterer a co-respondent unless excused by the court on special grounds from doing so.

(2) On a petition for divorce presented by the wife on the ground of adultery the court may, if it thinks fit, direct that the alleged adulteress be made a respondent.

(3) Where an alleged adulterer is made a co-respondent on such a petition as is mentioned in subsection (1) of this section or an alleged adulteress is made a respondent on such a petition as is mentioned in the last foregoing subsection, the court may, after the close of the evidence on the part of the petitioner, direct that the co-respondent or, as the case may be, the respondent be dismissed from the suit if the court is of opinion that there is not sufficient evidence against him or her.

Hearing of
petition.

5.—(1) On a petition for divorce it shall be the duty of the court—

- (a) to inquire, so far as it reasonably can, into the facts alleged and whether there has been any connivance or condonation on the part of the petitioner and whether any collusion exists between the parties ; and
- (b) to inquire into any countercharge made against the petitioner.

(2) Provision may be made by rules of court for enabling the court, on application made either before or after the presentation of the petition, to take into consideration for the purposes of this section any agreement or arrangement made or proposed to be made between the parties and to give such directions in the matter as the court thinks fit ; but nothing in this subsection affects any duty of the parties to disclose to the court any agreement or arrangement made between the parties in contemplation of or in connection with the proceedings.

(3) If the court is satisfied on the evidence that the case for the petition has been proved and—

- (a) where the ground of the petition is adultery, that the petitioner has not in any manner been accessory to or connived at or condoned the adultery ;
 - (b) where the ground of the petition is cruelty, that the petitioner has not in any manner condoned the cruelty,
- the court shall, subject to subsections (4) and (5) of this section, grant a decree of divorce ; and if the court is not satisfied with respect to any of the matters aforesaid, it shall dismiss the petition.

(4) The court may dismiss a petition for divorce if—

- (a) it finds that the petition is presented or prosecuted in collusion with the respondent or either of the respondents ; or
- (b) it finds that the petitioner has during the marriage been guilty of adultery ; or
- (c) in its opinion the petitioner has been guilty—
 - (i) of unreasonable delay in presenting or prosecuting the petition ; or
 - (ii) of cruelty towards the other party to the marriage ; or
 - (iii) where the ground of the petition is adultery or cruelty, of having without reasonable excuse either deserted or wilfully separated himself or herself from the other party before the adultery or cruelty ; or
 - (iv) where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as conduced to the adultery or unsoundness of mind or desertion.

(5) If it appears to the court, at the hearing of a petition for divorce presented in pursuance of leave granted under section 2(2) of this Act, that the leave was obtained by the petitioner by any misrepresentation or concealment of the nature of the case, the court may—

- (a) dismiss the petition, without prejudice to any petition which may be brought after the expiration of the period of three years from the date of the marriage upon the same facts, or substantially the same facts, as those proved in support of the dismissed petition ; or
- (b) if it grants a decree, direct that no application to make the decree absolute shall be made during that period.

(6) If in any proceedings for divorce the respondent opposes the relief sought on the ground of the petitioner's adultery, cruelty or desertion, the court may give to the respondent the relief to which the respondent would have been entitled if the respondent had presented a petition seeking that relief.

(7) Every decree of divorce shall in the first instance be a decree nisi and shall not be made absolute before the expiration of six months from its grant unless the court by general or special order from time to time fixes a shorter period.

PART I
Intervention
of Queen's
Proctor.

6.—(1) In the case of a petition for divorce—

- (a) the court may, if it thinks fit, direct all necessary papers in the matter to be sent to Her Majesty's Proctor (hereafter in this and the next following section referred to as "the Proctor"), who shall under the directions of the Attorney General instruct counsel to argue before the court any question in relation to the matter which the court deems it necessary or expedient to have fully argued ;
- (b) any person may at any time during the progress of the proceedings or before the decree nisi is made absolute give information to the Proctor on any matter material to the due decision of the case, and the Proctor may thereupon take such steps as the Attorney General considers necessary or expedient ;
- (c) if in consequence of any such information or otherwise the Proctor considers that any parties to the petition are or have been acting in collusion for the purpose of obtaining a decree contrary to the justice of the case, he may, under the direction of the Attorney General and after obtaining the leave of the court, intervene and retain counsel and subpoena witnesses to prove the alleged collusion.

(2) Where the Proctor intervenes or shows cause against a decree nisi in any proceedings for divorce, the court may make such order as may be just as to the payment by other parties to the proceedings of the costs incurred by him in so doing or as to the payment by him of any costs incurred by any of those parties by reason of his so doing.

(3) The Proctor shall be entitled to charge as part of the expenses of his office—

- (a) the costs of any proceedings under subsection (1)(a) of this section ;
- (b) where his reasonable costs of intervening or showing cause as mentioned in subsection (2) of this section are not fully satisfied by any order under that subsection, the amount of the difference ;
- (c) if the Treasury so directs, any costs which he pays to any parties under an order made under the said subsection (2).

Proceedings
after decree
nisi.

7.—(1) Where a decree nisi of divorce has been granted but not made absolute, then, without prejudice to the last foregoing section, any person (excluding a party to the proceedings other than the Proctor) may show cause why the decree should not be made absolute either by reason of its having been obtained by collusion or by reason of material facts not having

been brought before the court; and in such a case the court may—

PART I

- (a) notwithstanding anything in section 5(7) of this Act, make the decree absolute; or
- (b) rescind the decree nisi; or
- (c) require further inquiry; or
- (d) otherwise deal with the case as it thinks fit.

(2) Where a decree nisi of divorce has been granted and no application for it to be made absolute has been made by the party to whom it was granted, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom it was granted may make an application to the court, and on that application the court may exercise any of the powers mentioned in paragraphs (a) to (d) of the foregoing subsection.

8.—(1) Where a decree of divorce has been made absolute and either—

Remarriage
of divorced
persons.

- (a) there is no right of appeal against the decree absolute; or
- (b) the time for appealing against the decree absolute has expired without an appeal having been brought; or
- (c) an appeal against the decree absolute has been dismissed.

either party to the former marriage may marry again.

(2) No clergyman of the Church of England or the Church in Wales shall be compelled—

- (a) to solemnise the marriage of any person whose former marriage has been dissolved and whose former spouse is still living; or
- (b) to permit the marriage of such a person to be solemnised in the church or chapel of which he is the minister.

Nullity

9.—(1) In addition to any other grounds on which a marriage is by law void or voidable, a marriage shall, subject to the next following subsection, be voidable on the ground—

Additional
grounds for
decree of
nullity.

- (a) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate it; or
- (b) that at the time of the marriage either party to the marriage—
 - (i) was of unsound mind, or
 - (ii) was suffering from mental disorder within the meaning of the Mental Health Act 1959 of such

1959 c. 72.

PART I

a kind or to such an extent as to be unfitted for marriage and the procreation of children, or

(iii) was subject to recurrent attacks of insanity or epilepsy ; or

(c) that the respondent was at the time of the marriage suffering from venereal disease in a communicable form ; or

(d) that the respondent was at the time of the marriage pregnant by some person other than the petitioner.

(2) The court shall not grant a decree of nullity in a case falling within paragraph (b), (c) or (d) of the foregoing subsection unless it is satisfied that—

(a) the petitioner was at the time of the marriage ignorant of the facts alleged ; and

(b) proceedings were instituted within a year from the date of the marriage ; and

(c) marital intercourse with the consent of the petitioner has not taken place since the petitioner discovered the existence of the grounds for a decree.

(3) Nothing in this section shall be construed as validating a marriage which is by law void but with respect to which a decree of nullity has not been granted.

Application of ss. 5(7), 6 and 7 to nullity proceedings.

10. Sections 5(7), 6 and 7 of this Act shall apply in relation to proceedings for nullity of marriage as if for any reference in those provisions to divorce there were substituted a reference to nullity of marriage.

Legitimacy of children of annulled marriages.

11. Where a decree of nullity is granted in respect of a voidable marriage, any child who would have been the legitimate child of the parties to the marriage if at the date of the decree it had been dissolved instead of being annulled shall be deemed to be their legitimate child.

Other matrimonial suits

Judicial separation.

12.—(1) A petition for judicial separation may be presented to the court by the husband or the wife—

(a) on any of the grounds specified in section 1 of this Act ; or

(b) on the ground of failure to comply with a decree for restitution of conjugal rights ; or

(c) on any ground on which a decree of divorce a mensa et thoro might have been pronounced immediately

before the commencement of the Matrimonial Causes Act 1857;

PART I
1857 c. 85.

and sections 1 and 5(1) to (4) of this Act and paragraphs 2 and 3 of Schedule 1 to this Act shall apply in relation to such a petition as they apply in relation to a petition for divorce but as if the reference in section 5(3) to section 5(5) were omitted.

(2) Where the court grants a decree of judicial separation it shall no longer be obligatory for the petitioner to cohabit with the respondent.

(3) The court may, on an application by petition of the spouse against whom a decree of judicial separation has been made and on being satisfied that the allegations in the petition are true, rescind the decree at any time on the ground that it was obtained in the absence of the applicant or, if desertion was the ground of the decree, that there was reasonable cause for the alleged desertion.

13.—(1) A petition for restitution of conjugal rights may be presented to the court by the husband or the wife; and the court, on being satisfied that—

Restitution
of conjugal
rights.

- (a) the allegations contained in the petition are true; and
- (b) there is no legal ground why a decree for restitution of conjugal rights should not be granted,

may grant the decree accordingly.

(2) A decree for restitution of conjugal rights shall not be enforced by imprisonment.

14.—(1) Any married person who alleges that reasonable grounds exist for supposing that the other party to the marriage is dead may, subject to the next following subsection, present a petition to the court to have it presumed that the other party is dead and to have the marriage dissolved, and the court may, if satisfied that such reasonable grounds exist, make a decree of presumption of death and dissolution of the marriage.

Presumption
of death and
dissolution
of marriage.

(2) A petition may be presented in pursuance of the foregoing subsection—

- (a) in any case, if the petitioner is domiciled in England; and
- (b) in the case of a petition presented by a wife, if she is resident in England and has been ordinarily resident there for a period of three years immediately preceding the commencement of the proceedings.

(3) In any proceedings under this section the fact that for a period of seven years or more the other party to the marriage has been continually absent from the petitioner and the

PART I petitioner has no reason to believe that the other party has been living within that time shall be evidence that the other party is dead until the contrary is proved.

(4) Sections 5(7) and 6 to 8 of this Act shall apply to a petition and a decree under this section as they apply to a petition for divorce and a decree of divorce respectively.

(5) In determining for the purposes of this section whether a woman is domiciled in England, her husband shall be treated as having died immediately after the last occasion on which she knew or had reason to believe him to be living; and in any proceedings brought in pursuance of subsection (2)(b) of this section the issues shall be determined in accordance with the law which would be applicable thereto if both parties to the marriage were domiciled in England at the time of the proceedings.

PART II

ANCILLARY RELIEF

Interim orders for alimony

Interim orders for alimony.

15. On a petition for divorce, nullity of marriage, judicial separation or restitution of conjugal rights, the court may make such interim orders as it thinks just for the payment of alimony—

- (a) in any case other than a case falling within paragraph (b) of this section, to the wife; and
- (b) in the case of a petition for divorce or judicial separation presented by a wife on the ground of her husband's insanity, to the husband.

Maintenance and application of property in cases of divorce

Maintenance orders.

16.—(1) On granting a decree of divorce or at any time thereafter (whether before or after the decree is made absolute), the court may, if it thinks fit and subject to subsection (3) of this section, make one or more of the following orders—

- (a) an order requiring the husband to secure to the wife, to the satisfaction of the court, such lump or annual sum for any term not exceeding her life as the court thinks reasonable having regard to her fortune (if any), his ability and the conduct of the parties;
- (b) an order requiring the husband to pay to the wife during their joint lives such monthly or weekly sum for her maintenance as the court thinks reasonable;
- (c) an order requiring the husband to pay to the wife such lump sum as the court thinks reasonable.

(2) Where the court decides to make an order under paragraph (a) of the foregoing subsection, it may—

- (a) direct that the matter be referred to one of the conveying counsel of the court for him to settle a proper instrument to be executed by all necessary parties; and
- (b) if it thinks fit, defer the grant of the decree until the instrument has been duly executed.

(3) Where a petition for divorce is presented by the wife on the ground of her husband's insanity, subsection (1) of this section shall have effect with the substitution of references to the wife for references to the husband and of references to the husband for references to the wife.

17.—(1) The court may, after granting a decree of divorce— Application of settled and other property.

- (a) inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree; and
- (b) make such orders as the court thinks fit as respects the application, for the benefit of the children of the marriage or the parties to the marriage, of the whole or any part of the property settled;

and the court may exercise its powers under the foregoing provisions of this section notwithstanding that there are no children of the marriage.

(2) Where the court grants a decree of divorce by reason of the adultery, desertion or cruelty of the wife and it appears to the court that she is entitled to any property either in possession or reversion, the court may if it thinks fit order such settlement as it thinks reasonable to be made of the property, or of any part of it, for the benefit of the innocent party and of the children of the marriage or either or any of them.

18.—(1) Where a petition for divorce has been presented, Commencement of proceedings with respect to maintenance and settlements.
proceedings under the foregoing provisions of this Part of this Act may be begun, subject to and in accordance with rules of court, at any time after the presentation of the petition; but—

- (a) no order under section 16 or 17 of this Act shall be made unless a decree nisi has been granted;
- (b) without prejudice to the power to give directions under section 16(2)(a) of this Act, no such order and no settlement made in pursuance of such an order shall take effect unless the decree has been made absolute.

PART II

(2) Subsection (1) of this section shall have effect notwithstanding anything in the foregoing provisions of this Part of this Act but subject to section 29 of this Act.

Maintenance etc. in other cases

Nullity.

19. Sections 16(1) and (2) and 17(1) of this Act and, so far as it relates to those provisions, section 18 of this Act shall apply in relation to nullity of marriage as they apply in relation to divorce but as if the reference in section 16(1) to section 16(3) were omitted.

Judicial
separation.

20.—(1) On granting a decree of judicial separation or at any time thereafter the court may make such order as it thinks just for the payment of alimony or a lump sum or both—

(a) in any case other than a case falling within paragraph (b) of this subsection, to the wife ; and

(b) in a case where the petition was presented by the wife on the ground of her husband's insanity, to the husband.

(2) Section 17(2) of this Act shall apply in relation to judicial separation as it applies in relation to divorce.

(3) In a case of judicial separation—

(a) any property which is acquired by or devolves upon the wife on or after the date of the decree whilst the separation continues ; and

(b) where the decree is obtained by the wife, any property to which she is entitled for an estate in remainder or reversion on the date of the decree,

shall, if she dies intestate, devolve as if her husband had then been dead.

(4) If in a case of judicial separation alimony has been ordered to be paid under the foregoing provisions of this Part of this Act and has not been duly paid by the husband, he shall be liable for necessaries supplied for the use of the wife.

Restitution
of conjugal
rights.

21.—(1) Where a decree for restitution of conjugal rights is made on the application of the wife, the court may—

(a) make such order as it thinks just for the payment of alimony to the wife ;

(b) on making the decree or at any time thereafter, order the husband to pay to the wife, if the decree is not complied with within the time specified by the court, such periodical payments as the court thinks just.

(2) Where the court makes an order under paragraph (b) of the foregoing subsection— PART II

- (a) the order may be enforced in the same manner as an order for alimony ; and
- (b) the court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure the periodical payments to the wife, and may for that purpose give such a direction as is mentioned in section 16(2)(a) of this Act.

(3) Where a decree for restitution of conjugal rights is made on the application of the husband and it appears to the court that the wife is entitled to any property, either in possession or reversion, or is in receipt of any profits of trade or earnings, the court may—

- (a) order a settlement of the property or any part of it to be made to the satisfaction of the court for the benefit of the husband and of the children of the marriage or either or any of them ; or
- (b) order such part of the profits or earnings as the court thinks reasonable to be paid periodically by the wife to the husband for his own benefit, or to him or another person for the benefit of the children of the marriage or either or any of them.

22.—(1) Where—

- (a) a husband has been guilty of wilful neglect to provide reasonable maintenance for his wife or any child to whom this subsection applies ; and
- (b) the court would have jurisdiction to entertain proceedings by the wife for judicial separation,

Neglect to maintain.

then, without prejudice to the provisions of section 35(2) of this Act, the court may on the application of the wife order the husband to make to her such periodical payments as may be just.

(2) The foregoing subsection applies to any infant child of the marriage in question and any infant illegitimate child of both parties to the marriage.

(3) Where the court makes an order under subsection (1) of this section—

- (a) the order may be enforced in the same manner as an order for alimony in proceedings for judicial separation ; and

PART II

- (b) the court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure the periodical payments to the wife and may for that purpose give such a direction as is mentioned in section 16(2)(a) of this Act.

Maintenance agreements

Validity of
maintenance
agreements.

23.—(1) If a maintenance agreement includes a provision purporting to restrict any right to apply to a court for an order containing financial arrangements, then—

- (a) that provision shall be void ; but
(b) any other financial arrangements contained in the agreement shall not thereby be rendered void or unenforceable and shall, unless they are void or unenforceable for any other reason (and subject to the next two following sections), be binding on the parties to the agreement.

(2) In this and the next following section—

“ maintenance agreement ” means any agreement in writing made, whether before or after the commencement of this Act, between the parties to a marriage for the purposes of their living separately, being—

(a) an agreement containing financial arrangements, whether made during the continuance or after the dissolution or annulment of the marriage ; or

(b) a separation agreement which contains no financial arrangements in a case where no other agreement in writing between the same parties contains such arrangements ;

“ financial arrangements ” means provisions governing the rights and liabilities towards one another when living separately of the parties to a marriage (including a marriage which has been dissolved or annulled) in respect of the making or securing of payments or the disposition or use of any property, including such rights and liabilities with respect to the maintenance or education of any child, whether or not a child of the marriage ; and

“ child of the marriage ” includes any child of both parties to the marriage, whether legitimate or not, and any child adopted by both parties to the marriage.

Alteration of
agreements
by court
during lives
of parties.

24.—(1) Where a maintenance agreement (other than an agreement made more than six months after the dissolution or annulment of the marriage) is for the time being subsisting and the parties to the agreement are for the time being either both domiciled or both resident in England and on an application

by either party the High Court or, subject to the next following subsection, a magistrates' court is satisfied either—

- (a) that by reason of a change in the circumstances in the light of which any financial arrangements contained in the agreement were made or, as the case may be, financial arrangements were omitted from it, the agreement should be altered so as to make different, or as the case may be so as to contain, financial arrangements ; or
- (b) that the agreement does not contain proper financial arrangements with respect to any child of the marriage, the court to which the application is made may by order make such alterations in the agreement by varying or revoking any financial arrangements contained in it or by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the marriage as may appear to that court to be just having regard to all the circumstances or, as the case may be, as may appear to that court to be just in all the circumstances in order to secure that the agreement contains proper financial arrangements with respect to any child of the marriage ; and the agreement shall have effect thereafter as if any alteration made by the order had been made by agreement between the parties and for valuable consideration.

(2) A magistrates' court shall not entertain an application under the foregoing subsection unless both the parties to the agreement are resident in England and at least one of the parties is resident in the petty sessions area (within the meaning of the Magistrates' Courts Act 1952) for which that court acts, and shall not have power to make any order on such an application except—

- (a) in a case where the agreement includes no provision for periodical payments by either of the parties, an order inserting provision for the making by one of the parties of periodical payments—
 - (i) for the maintenance of the other party, at a rate not exceeding seven pounds ten shillings a week ;
 - (ii) for the maintenance of any child of the marriage, at a rate not exceeding fifty shillings a week in respect of each such child ;
- (b) in a case where the agreement includes provision for the making by one of the parties of periodical payments at rates not exceeding those aforesaid, an order increasing to such higher rate not exceeding the appropriate rate aforesaid, or reducing the rate of, or terminating, any of those payments.

(3) For the avoidance of doubt it is hereby declared that nothing in this or the last foregoing section affects any power

PART II

of the court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment (including a provision of this Act) to make an order containing financial arrangements or any right of either party to apply for such an order in such proceedings.

Alteration of agreements by court after death of one party.

25.—(1) Where a maintenance agreement within the meaning of section 23 of this Act provides for the continuation of payments under the agreement after the death of one of the parties and that party dies after 16th August 1957 domiciled in England, the surviving party may—

- (a) before the end of the period of six months from the date when representation in regard to the deceased's estate is first taken out; or
- (b) with the permission of the court, after the end of that period but before the administration and distribution of the estate is completed,

apply to the High Court for any order under subsection (1) of the last foregoing section for which the surviving party might have applied immediately before the death.

(2) If a maintenance agreement is altered by the court on an application made in pursuance of the foregoing subsection, the like consequences shall ensue as if the alteration had been made immediately before the death by agreement between the parties and for valuable consideration.

(3) The provisions of this section shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the said period of six months on the ground that they ought to have taken into account the possibility that the court might permit an application by virtue of this section after that period; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

(4) In considering for the purposes of subsection (1) of this section the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account, and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

(5) For the purposes of section 162(1) of the Supreme Court of Judicature (Consolidation) Act 1925 (which relates to the discretion of the court as to the persons to whom administration is to be granted) a person by whom an application is proposed to be made by virtue of this section shall be deemed to be a person interested in the deceased's estate.

1925 c. 49.

Maintenance from estate of deceased former spouse

PART II

26.—(1) Where after 31st December 1958 a person dies domiciled in England and is survived by a former spouse of his or hers (hereafter in this section referred to as “the survivor”) who has not remarried, the survivor may—

Orders for maintenance from deceased's estate.

- (a) before the end of the period of six months beginning with the date on which representation in regard to the estate of the deceased is first taken out; or
- (b) with the permission of the court, after the end of that period but before the administration and distribution of the estate is completed,

apply to the court for an order under this section on the ground that the deceased has not made reasonable provision for the survivor's maintenance after the deceased's death.

(2) If on an application under this section the court is satisfied—

- (a) that it would have been reasonable for the deceased to make provision for the survivor's maintenance; and
- (b) that the deceased has made no provision, or has not made reasonable provision, for the survivor's maintenance,

the court may order that such reasonable provision for the survivor's maintenance as the court thinks fit shall be made out of the net estate of the deceased, subject to such conditions or restrictions (if any) as the court may impose.

(3) Where the court makes an order under this section requiring provision to be made for the maintenance of the survivor, the order shall require that provision to be made by way of periodical payments terminating not later than the survivor's death and, if the survivor remarries, not later than the remarriage, so however that if the value of the net estate of the deceased does not exceed five thousand pounds the order may require that provision to be made wholly or in part by way of a lump sum payment.

(4) On an application under this section the court shall have regard—

- (a) to the past, present or future capital of the survivor and to any income of the survivor from any source;
- (b) to the survivor's conduct in relation to the deceased and otherwise;
- (c) to any application made or deemed to be made by the survivor during the lifetime of the deceased—

(i) where the survivor is a former wife of the deceased, for such an order as is mentioned in section 16(1) of this Act or that subsection as applied by section 19 of this Act;

PART II

(ii) where the survivor is a former husband of the deceased, for such an order as could be made either under the said section 16(1) as applied by subsection (3) of that section or under section 17(2) of this Act,

and to the order (if any) made on any such application, or (if no such application was made by the survivor, or such an application was made by the survivor and no order was made on the application) to the circumstances appearing to the court to be the reasons why no such application was made, or no such order was made, as the case may be; and

(d) to any other matter or thing which, in the circumstances of the case, the court may consider relevant or material in relation to the survivor, to persons interested in the estate of the deceased, or otherwise.

(5) In determining whether, and in what way, and as from what date, provision for maintenance ought to be made by an order under this section, the court shall have regard to the nature of the property representing the net estate of the deceased and shall not order any such provision to be made as would necessitate a realisation that would be imprudent having regard to the interests of the dependants of the deceased, of the survivor, and of the persons who apart from the order would be entitled to that property.

(6) In this and the next following section—

“former spouse”, in relation to a deceased person, means a person whose marriage with the deceased was during the deceased’s lifetime dissolved or annulled by a decree made or deemed to be made under this Act, and “former wife” and “former husband” shall be construed accordingly;

1938 c. 45.

“net estate” and “dependant” have the same meanings as in the Inheritance (Family Provision) Act 1938; and

“property” means any real or personal property, any estate or interest in real or personal property, any money, any negotiable instrument, debt or other chose in action, or any other right or interest whether in possession or not.

Discharge
and variation
of orders
under s. 26.

27.—(1) Subject to the following provisions of this section, where an order (in this section referred to as “the original order”) has been made under the last foregoing section, the court, on an application under this section, shall have power by order to discharge or vary the original order or to suspend

any provision of it temporarily and to revive the operation of any provision so suspended.

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(2) An application under this section may be made by any of the following persons, that is to say,—

- (a) the former spouse on whose application the original order was made ;
- (b) any other former spouse of the deceased ;
- (c) any dependant of the deceased ;
- (d) the trustees of any relevant property ;
- (e) any person who, under the will or codicil of the deceased or under the law relating to intestacy, is beneficially interested in any relevant property.

(3) An order under this section varying the original order, or reviving any suspended provision of it, shall not be made so as to affect any property which, at the time of the application for the order under this section, is not relevant property.

(4) In exercising the powers conferred by this section, the court shall have regard to all the circumstances of the case, including any change in the circumstances to which the court was required to have regard in determining the application for the original order.

(5) In this section “relevant property” means property the income of which, in accordance with the original order or any consequential directions given by the court in connection with it, is applicable wholly or in part for the maintenance of the former spouse on whose application the original order was made.

28.—(1) The provisions of the last two foregoing sections shall not render the personal representatives of a deceased person liable for having distributed any part of the estate of the deceased after the end of the period mentioned in subsection (1) of section 26 of this Act on the ground that they ought to have taken into account the possibility that the court might permit an application under that section after the end of that period, or that an order under that section might be varied under section 27 of this Act ; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order under section 26 or section 27 of this Act.

Additional provisions as to orders under ss. 26 and 27.

(2) Section 25(4) of this Act shall apply for the purposes of section 26(1) of this Act as it applies for the purposes of subsection (1) of the said section 25 ; and section 25(5) of this Act shall apply in relation to an application under section 26 or section 27 of this Act as it applies in relation to an application in pursuance of the said section 25.

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1938 c. 45.

(3) Section 3 of the Inheritance (Family Provision) Act 1938 (which relates to the effect and form of orders under that Act) shall have effect in relation to orders under sections 26 and 27 of this Act as it has effect in relation to orders under that Act.

Supplemental

Applications
for ancillary
relief.

29.—(1) Rules of court may provide, in such cases as may be prescribed by the rules,—

(a) that all applications for ancillary relief shall be made in the petition or answer ; or

(b) that applications for ancillary relief which are not so made shall be made only with the leave of the court.

(2) In the foregoing subsection “ancillary relief” means relief under any of the following provisions of this Act, that is to say, section 15, section 16(1), that subsection as applied by section 16(3) and by section 19, section 20(1), and section 21(1) and (2).

Payment of
alimony or
maintenance
to trustees
etc.

30.—(1) Where the court makes an order for alimony, it may—

(a) direct the alimony to be paid either to the wife or husband, as the case may be, or to a trustee approved by the court on her or his behalf ; and

(b) impose such terms or restrictions as the court thinks expedient ; and

(c) from time to time appoint a new trustee if for any reason it appears to the court expedient to do so.

(2) Where—

(a) a petition for divorce or judicial separation is presented by a wife on the ground of her husband’s insanity ; or

(b) a petition for divorce, nullity or judicial separation is presented by a husband on the ground of his wife’s insanity or mental deficiency or disorder,

and the court orders payments, other than a lump sum payment, in favour of the respondent under section 15, section 16(1), that subsection as applied by section 16(3) or by section 19, or under section 20(1) of this Act, the court may order the payments to be made to such persons having charge of the respondent as the court may direct.

Variation and
discharge of
certain orders
for relief.

31.—(1) Where the court has made an order under section 21(3) or section 22 or any of the provisions mentioned in section 29(2) of this Act (other than an order for the payment of a lump sum), the court shall have power to discharge or vary the order or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

(2) The powers exercisable by the court under this section in relation to an order shall be exercisable also in relation to any instrument executed in pursuance of the order.

(3) In exercising the powers conferred by this section the court shall have regard to all the circumstances of the case, including any increase or decrease in the means of either of the parties to the marriage.

32.—(1) Where proceedings for relief under any of the relevant provisions of this Act (hereafter in this section referred to as “financial relief”) are brought by a person against his or her spouse or former spouse (hereafter in this section referred to as “the other party”), the court may, on an application by that person—

Avoidance of transactions intended to prevent relief.

- (a) if it is satisfied that the other party is, with the intention of defeating the claim for financial relief, about to make any disposition or to transfer out of the jurisdiction or otherwise deal with any property, make such order as it thinks fit for restraining the other party from so doing or otherwise for protecting the claim;
- (b) if it is satisfied that the other party has, with the intention aforesaid, made a disposition to which this paragraph applies and that if the disposition were set aside financial relief or different financial relief would be granted to the applicant, make an order setting aside the disposition and give such consequential directions as it thinks fit for giving effect to the order (including directions requiring the making of any payment or the disposal of any property);
- (c) if it is satisfied, in a case where an order under the relevant provisions of this Act has been obtained by the applicant against the other party, that the other party has, with the intention aforesaid, made a disposition to which this paragraph applies, make such an order and give such directions as are mentioned in the last foregoing paragraph;

and an application for the purposes of paragraph (b) of this subsection shall be made in the proceedings for the financial relief in question.

(2) Paragraphs (b) and (c) of the foregoing subsection apply respectively to a disposition made by the other party (whether before or after the commencement of the proceedings for financial relief) within the period of three years ending with the date of the application made for the purposes of the paragraph in question, not being a disposition made for valuable consideration (other than marriage) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any such intention as aforesaid on the part of the other party.

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(3) Where an application is made under this section with respect to a disposition or other transaction and the court is satisfied—

(a) in a case falling within subsection (1)(a) or (b) of this section, that the disposition or other transaction would (apart from this section) have the consequence, or

(b) in a case falling within subsection (1)(c) of this section, that the disposition has had the consequence,

of defeating the applicant's claim for financial relief, the disposition shall be presumed, unless the contrary is shown, to have been made by the other party with the intention aforesaid.

(4) In this section—

“disposition” does not include any provision contained in a will or codicil but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise ;

“property” has the same meaning as in section 26 of this Act ; and

“the relevant provisions of this Act” means any of the provisions of the following enactments, that is to say, sections 16, 17(2), 20(1), 21 and 22 of this Act and section 16(1) as applied by section 19 and section 17(2) as applied by section 20(2) of this Act ;

and any reference to defeating an applicant's claim for financial relief is a reference to preventing financial relief from being granted to the applicant or reducing the amount of any financial relief which might be so granted, or frustrating or impeding the enforcement of any order which might be made at the instance of the applicant under the relevant provisions of this Act.

PART III

PROTECTION OF CHILDREN

Restrictions on decrees for dissolution or separation affecting children.

33.—(1) Notwithstanding anything in Part I of this Act but subject to the following subsection, the court shall not make absolute a decree of divorce or nullity of marriage in any proceedings begun after 31st December 1958, or make a decree of judicial separation in any such proceedings, unless it is satisfied as respects every relevant child who is under sixteen that—

(a) arrangements for his care and upbringing have been made and are satisfactory or are the best that can be devised in the circumstances ; or

(b) it is impracticable for the party or parties appearing before the court to make any such arrangements.

(2) The court may if it thinks fit proceed without observing the requirements of the foregoing subsection if—

(a) it appears that there are circumstances making it desirable that the decree should be made absolute or

should be made, as the case may be, without delay ; PART III
and

- (b) the court has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the children before the court within a specified time.

34.—(1) Subject to subsection (6) of this section, the court may make such order as it thinks just for the custody, main- Custody and maintenance of children affected by matrimonial suits. tenance and education of any relevant child—

- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before, by or after the final decree ;
 (b) where such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal ;
 (c) in any proceedings for restitution of conjugal rights, before the decree or, if the respondent fails to comply with the decree, after the decree ;

and in any case in which the court has power by virtue of paragraph (a) of this subsection to make an order in respect of a child it may instead, if it thinks fit, direct that proper proceedings be taken for placing the child under the protection of the court.

(2) Where the court makes or makes absolute a decree of divorce or makes a decree of judicial separation, it may include in the decree a declaration that the parent by reason of whose misconduct the decree is made is unfit to have the custody of the children of the marriage ; and the parent to whom the declaration relates shall not, on the death of the other parent, be entitled as of right to the custody or the guardianship of the children of the marriage.

(3) Subject to subsection (6) of this section, on granting a decree of divorce or nullity of marriage or at any time thereafter (whether before or after the decree is made absolute) the court may make an order—

- (a) in any case, requiring the husband ; and
 (b) in the case of a decree of divorce made on the ground of the husband's insanity, requiring the wife,

to secure for the benefit of the relevant children such lump or annual sum as the court thinks reasonable, and may for that purpose give such a direction as is mentioned in section 16(2)(a) of this Act ; but the term for which any sum is secured for the benefit of a child in pursuance of this subsection shall not extend beyond the date when the child will become twenty-one.

(4) In considering whether any and what order should be made under this section for requiring any party to make any payment, by virtue of paragraph (b) in section 46(2) of this Act, towards

PART III

the maintenance or education of a child who is not his own, the court shall have regard—

(a) to the extent (if any) to which that party had, on or after the acceptance of the child as one of the family, assumed responsibility for the child's maintenance; and

(b) to the liability of any person other than a party to the marriage to maintain the child.

(5) While the court has power to make an order in any proceedings by virtue of paragraph (a) or (c) of subsection (1) of this section, it may exercise that power from time to time; and where the court makes an order by virtue of paragraph (b) of that subsection with respect to a child it may from time to time make a further order with respect to his custody, maintenance and education.

(6) Section 18 of this Act (including that section as applied by section 19 of this Act) shall apply to proceedings and orders under subsection (3) of this section as it applies to such proceedings and orders as are mentioned in the said section 18; and section 29(1) of this Act shall apply to relief under subsections (1) and (3) of this section (other than relief under subsection (1)(b)) as it applies to ancillary relief within the meaning of the said section 29.

(7) Section 32 of this Act shall apply to relief under this section as if for references in that section to the relevant provisions of this Act there were substituted references to this section.

Custody etc.
of children
in cases of
neglect.

35.—(1) Where the court makes an order under section 22(1) of this Act, the court shall also have jurisdiction from time to time to make such order as appears just with respect to the custody of any child to whom that subsection applies; but the jurisdiction conferred by this subsection and any order made in exercise of that jurisdiction shall have effect only as respects any period when an order is in force under that subsection.

(2) In any case where the court would have power, on an application made under the said section 22(1), to order the husband to make to the wife periodical payments for the maintenance of a child to whom that subsection applies, the court may, if it thinks fit, order those payments to be made to the child, or to any other person for the benefit of the child, instead of to the wife; and the reference to the wife in subsection (3) of that section shall be construed accordingly.

(3) Section 32 of this Act shall apply to relief under this section as if for references in that section to the relevant provisions of this Act there were substituted references to this section.

(4) Without prejudice to any power to include, in any order under this Act for the custody, maintenance and education of

a child, provision for access to him, the reference to custody of a child in subsection (1) of this section includes a reference to access to the child.

PART III

36.—(1) Where the court has jurisdiction by virtue of this Part of this Act to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parties to the marriage or to any other individual, the court may if it thinks fit make an order committing the care of the child to the council of a county, county borough or London borough or the Common Council of the City of London (hereafter in this section referred to as “the local authority”); and thereupon Part II of the Children Act 1948 (which relates to the treatment of children in the care of a local authority) shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section 1 of that Act.

Power to commit children to care of local authority.

1948 c. 43.

(2) The authority specified in an order under this section shall be the local authority for the area in which the child was, in the opinion of the court, resident before the order was made to commit the child to the care of a local authority, and the court shall before making an order under this section hear any representations from the local authority, including any representations as to the making of an order for payments for the maintenance and education of the child.

(3) While an order made by virtue of this section is in force with respect to a child, the child shall continue in the care of the local authority notwithstanding any claim by a parent or other person.

(4) An order made by virtue of this section shall cease to have effect as respects any child when he becomes eighteen, and the court shall not make an order committing a child to the care of a local authority under this section after he has become seventeen.

(5) In the application of Part II of the Children Act 1948 by virtue of this section—

- (a) the exercise by the local authority of their powers under sections 12 to 16 of that Act (which among other things relate to the accommodation and welfare of a child in the care of a local authority) shall be subject to any directions given by the court; and
- (b) section 17 of that Act (which relates to arrangements for the emigration of such a child) shall not apply.

(6) It shall be the duty of any parent or guardian of a child committed to the care of a local authority under this section to secure that the local authority are informed of his address

PART III for the time being, and a person who knowingly fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding five pounds.

(7) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

Power to provide for supervision of children.

37.—(1) Where the court has jurisdiction by virtue of this Part of this Act to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may, as respects any period during which the child is, in exercise of that jurisdiction, committed to the custody of any person, order that the child be under the supervision of an officer appointed under this section as a welfare officer or under the supervision of a local authority.

(2) Where the court makes an order under this section for supervision by a welfare officer, the officer responsible for carrying out the order shall be such probation officer as may be selected under arrangements made by the Secretary of State; and where the order is for supervision by a local authority, that authority shall be the council of a county, county borough or London borough selected by the court and specified in the order or, if the Common Council of the City of London is so selected and specified, that Council.

1948 c. 43. (3) This section shall be included among the enactments specified in subsection (1) of section 39 of the Children Act 1948 (which lists the functions which are matters for the children's committee of a local authority), and a local authority shall discharge the duties conferred on them by an order under this section through an officer employed in connection with those functions.

(4) The court shall not have power to make an order under this section as respects a child who in pursuance of an order under the last foregoing section is in the care of a local authority.

(5) Where a child is under the supervision of any person in pursuance of this section the jurisdiction possessed by a court to vary any order made with respect to the child's custody, maintenance or education under this Part of this Act shall, subject to any rules of court, be exercisable at the instance of that court itself.

(6) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

38.—(1) Without prejudice to the operation of section 38(1) of the Interpretation Act 1889 (which provides for references to enactments which are repealed and re-enacted to be construed as references to those enactments as re-enacted), any order for maintenance or other payments made by virtue of this Part of this Act or any corresponding enactment of the Parliament of Northern Ireland shall be included among the orders to which section 16 of the Maintenance Orders Act 1950 applies (which section specifies the orders enforceable under Part II of that Act); and any order for maintenance or other payments made by virtue of this Part of this Act shall be a maintenance order within the meaning of the Maintenance Orders Act 1958.

PART III
Application of Maintenance Orders Acts to orders under Part III.
1889 c. 63.
1950 c. 37.
1958 c. 39.

(2) This section, so far as it affects Part II of the Maintenance Orders Act 1950, shall extend to Scotland and Northern Ireland.

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous

39.—(1) Any person who is a British subject, or whose right to be deemed a British subject depends wholly or in part on his legitimacy or on the validity of any marriage, may, if he is domiciled in England or Northern Ireland or claims any real or personal estate situate in England, apply by petition to the court for a decree declaring that he is the legitimate child of his parents, or that the marriage of his father and mother or of his grandfather and grandmother was a valid marriage or that his own marriage was a valid marriage.

Declarations of legitimacy, etc.

(2) Any person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may apply by petition to the court, or may apply to a county court in the manner prescribed by county court rules, for a decree declaring that he or his parent or remoter ancestor, as the case may be, became or has become a legitimated person.

In this subsection "legitimated person" means a person legitimated by the Legitimacy Act 1926, and includes a person recognised under section 8 of that Act as legitimated.

1926 c. 60.

(3) Where an application under the last foregoing subsection is made to a county court, the county court, if it considers that the case is one which owing to the value of the property involved or otherwise ought to be dealt with by the High Court, may, and if so ordered by the High Court shall, transfer the matter to the High Court; and on such a transfer the proceeding shall be continued in the High Court as if it had been originally commenced by petition to the court.

(4) Any person who is domiciled in England or Northern Ireland or claims any real or personal estate situate in England

PART IV

may apply to the court for a decree declaring his right to be deemed a British subject.

(5) Applications to the court (but not to a county court) under the foregoing provisions of this section may be included in the same petition, and on any application under the foregoing provisions of this section (including an application to a county court) the court or the county court shall make such decree as it thinks just, and the decree shall be binding on Her Majesty and all other persons whatsoever, so however that the decree shall not prejudice any person—

- (a) if it is subsequently proved to have been obtained by fraud or collusion ; or
- (b) unless that person has been given notice of the application in the manner prescribed by rules of court or made a party to the proceedings or claims through a person so given notice or made a party.

(6) A copy of every application under this section and of any affidavit accompanying it shall be delivered to the Attorney-General at least one month before the application is made, and the Attorney-General shall be a respondent on the hearing of the application and on any subsequent proceedings relating thereto.

(7) Where any application is made under this section, such persons as the court or county court thinks fit shall, subject to rules of court, be given notice of the application in the manner prescribed by rules of court, and any such persons may be permitted to become parties to the proceedings and to oppose the application.

(8) No proceedings under this section shall affect any final judgment or decree already pronounced or made by any court of competent jurisdiction.

Additional
jurisdiction
in proceedings
by a wife.

40.—(1) Without prejudice to any jurisdiction exercisable by the court apart from this section, the court shall have jurisdiction to entertain proceedings by a wife, notwithstanding that the husband is not domiciled in England,—

- (a) in the case of any proceedings under this Act (other than proceedings under section 14 or sections 23 to 28), if—
 - (i) the wife has been deserted by her husband, or
 - (ii) the husband has been deported from the United Kingdom under any law for the time being in force relating to deportation,
 and the husband was immediately before the desertion or deportation domiciled in England ;

(b) in the case of proceedings for divorce or nullity of marriage, if— PART IV

(i) the wife is resident in England and has been ordinarily resident there for a period of three years immediately preceding the commencement of the proceedings, and

(ii) the husband is not domiciled in any other part of the United Kingdom or in the Channel Islands or the Isle of Man.

(2) In any proceedings in which the court has jurisdiction by virtue of the foregoing subsection the issues shall be determined in accordance with the law which would be applicable thereto if both parties were domiciled in England at the time of the proceedings.

41.—(1) A husband may, on a petition for divorce or for judicial separation or for damages only, claim damages from any person on the ground of adultery with the wife of the petitioner. Damages for adultery.

(2) A claim for damages on the ground of adultery shall, subject to the provisions of any enactment relating to trial by jury in the court, be tried on the same principles and in the same manner as actions for criminal conversation were tried immediately before the commencement of the Matrimonial Causes Act 1857, and the provisions of this Act with reference to the hearing and decision of petitions shall so far as may be necessary apply to the hearing and decision of petitions on which damages are claimed. 1857 c. 85.

(3) The court may direct in what manner the damages recovered on any such petition are to be paid or applied, and may direct the whole or any part of the damages to be settled for the benefit of the children, if any, of the marriage, or as a provision for the maintenance of the wife.

42.—(1) Any presumption of condonation which arises from the continuance or resumption of marital intercourse may be rebutted by evidence sufficient to negative the necessary intent. Condonation.

(2) For the purposes of this Act and the Matrimonial Proceedings (Magistrates' Courts) Act 1960, adultery or cruelty shall not be deemed to have been condoned by reason only of a continuation or resumption of cohabitation between the parties for one period not exceeding three months, or of anything done during such cohabitation, if it is proved that cohabitation was continued or resumed, as the case may be, with a view to effecting a reconciliation. 1960 c. 48.

(3) Adultery which has been condoned shall not be capable of being revived.

PART IV
Evidence.

43.—(1) The evidence of a husband or wife shall be admissible in any proceedings to prove that marital intercourse did or did not take place between them during any period; but a husband or wife shall not be compellable in any proceedings to give evidence of the matters aforesaid.

(2) The parties to any proceedings instituted in consequence of adultery and the husbands and wives of the parties shall be competent to give evidence in the proceedings; but no witness in any such proceedings, whether a party to the proceedings or not, shall be liable to be asked or be bound to answer any question tending to show that he or she has been guilty of adultery unless he or she has already given evidence in the same proceedings in disproof of the alleged adultery.

(3) In any proceedings for nullity of marriage, evidence on the question of sexual capacity shall be heard in camera unless in any case the judge is satisfied that in the interests of justice any such evidence ought to be heard in open court.

Power to
allow
intervention
on terms.

44. In every case in which any person is charged with adultery with any party to a suit or in which the court may consider, in the interest of any person not already a party to the suit, that that person should be made a party to the suit, the court may if it thinks fit allow that person to intervene upon such terms, if any, as the court thinks just.

*General*Transitional
provisions
and repeals.

45. The foregoing provisions of this Act shall have effect subject to the provisions of Schedule 1 to this Act (which contains transitional provisions required in consequence of the repeals made by this Act); and, subject to the provisions of the said Schedule 1, the enactments mentioned in the first and second columns of Schedule 2 to this Act are hereby repealed to the extent shown in the third column of that Schedule.

Short title,
interpretation,
commence-
ment and
extent.

46.—(1) This Act may be cited as the Matrimonial Causes Act 1965.

(2) In this Act—

“adopted”, except in section 23(2), means adopted in pursuance of an adoption order made under the Adoption Act 1958, any previous enactment relating to the adoption of children or any corresponding enactment of the Parliament of Northern Ireland or made in the Isle of Man or any of the Channel Islands; and

“relevant child” means a child who is—

(a) a child of both parties to the marriage in question; or

1958
(7 & 8 Eliz. 2)
c. 5.

(b) a child of one party to the marriage who has been accepted as one of the family by the other party.

PART IV

and in paragraphs (a) and (b) of this definition " child " includes illegitimate child and adopted child ;

and references to a child of the marriage in sections 17, 21(3), 22(2), 34(2) and 41(3) of this Act include references to a child adopted by both parties to the marriage.

(3) This Act shall come into force on such day as the Lord Chancellor may appoint by order made by statutory instrument.

(4) Subject to the provisions of section 38(2) of this Act, this Act does not extend to Scotland or Northern Ireland.

SCHEDULES

Section 45.

SCHEDULE 1

TRANSITIONAL PROVISIONS

1889 c. 63.

1. Without prejudice to the provisions of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals)—

- (a) nothing in any repeal made by this Act shall affect any order or rule made, direction given or thing done, or deemed to have been made, given or done, under any enactment repealed by this Act, and every such order, rule, direction or thing shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made, given or done under this Act, be deemed to have been made, given or done under the corresponding provisions of this Act; and
- (b) any reference in any document (including an enactment) to any enactment repealed by this Act, whether a specific reference or a reference to provisions of a description which includes, or apart from any repeal made by this Act includes, the enactment so repealed, shall be construed as a reference to the corresponding enactment in this Act.

2. Any agreement between the petitioner and the respondent to live separate and apart, whether or not made in writing, shall be disregarded for the purposes of section 1(1)(a)(ii) of this Act if the agreement was entered into before 1st January 1938 and either—

- (a) at the time when the agreement was made the respondent had deserted the petitioner without cause; or
- (b) the court is satisfied that the circumstances in which the agreement was made and the parties proceeded to live separate and apart were such as, but for the agreement, to amount to desertion of the petitioner by the respondent without cause.

3. Without prejudice to the provisions of section 38 of the said Act of 1889 and notwithstanding anything in section 1(3) of this Act, a person of unsound mind shall be deemed to have been under care and treatment for the purposes of subsection (1)(a)(iv) of section 1 of this Act while—

(a) at any time before 1st November 1960 he was—

(i) detained in pursuance of an order or inquisition under the Lunacy and Mental Treatment Acts 1890 to 1930 or of an order or warrant under the Army Act, the Air Force Act, the Naval Discipline Act, the Naval Enlistment Act 1884 or the Yarmouth Naval Hospital Act 1931, or

(ii) detained as a Broadmoor patient or in pursuance of an order made under the Criminal Lunatics Act 1884, or

(iii) receiving treatment as a voluntary patient under the Mental Treatment Act 1930;

1884 c. 46.

1931 c. 15.

1884 c. 64.

1930 c. 23.

(b) at any time before 1st June 1962 he was detained in pursuance of an order or warrant for his detention or custody as a lunatic under the Lunacy (Scotland) Acts 1857 to 1919. SCH. 1

4. In relation to a marriage celebrated before 1st November 1960, for sub-paragraphs (ii) and (iii) of section 9(1)(b) of this Act there shall be substituted the following sub-paragraphs—

“(ii) was a mental defective within the meaning of the Mental Deficiency Acts 1913 to 1938, or

(iii) was subject to recurrent fits of insanity or epilepsy; or”.

5. In relation to proceedings under section 23 of the Matrimonial Causes Act 1950 begun before 1st January 1959 and deemed by virtue of paragraph 1 of this Schedule to be proceedings under section 22(1) of this Act, that subsection shall have effect as if the reference to any illegitimate child of both parties to the marriage in section 22(2) of this Act were omitted. 1950 c. 25.

6. Where the party chargeable under a maintenance agreement within the meaning of section 23 of this Act died before 17th August 1957, then—

(a) subsection (1) of that section shall not apply to the agreement unless there remained undistributed at that date assets of that party's estate (apart from any property in which he had only a life interest) representing not less than four-fifths of the value of that estate for probate after providing for the discharge of the funeral, testamentary and administrative expenses, debts and liabilities payable thereout (other than any liability arising by virtue of that subsection); and

(b) nothing in that subsection shall render liable to recovery, or impose any liability upon the personal representatives of that party in respect of, any part of that party's estate which had been distributed before that date.

7. No right or liability shall attach by virtue of section 23(1) of this Act in respect of any sum payable under a maintenance agreement within the meaning of that section in respect of a period before 17th August 1957.

8. Any rules of court made before 31st July 1963 shall be deemed to have been validly made if they could have been made after the commencement of this Act under section 29(1) of this Act or that subsection as applied by section 34(6) of this Act; but nothing in this paragraph affects any order for ancillary relief (as defined by section 5(4) of the Matrimonial Causes Act 1963) made after 19th December 1962 and before 31st July 1963. 1963 c. 45.

9. In relation to an order made before 16th December 1949 which, by virtue of paragraph 1 of this Schedule is deemed to have been made under section 16(1)(a) of this Act or the said paragraph (a) as applied by section 19 of this Act, the powers conferred by section 31 of this Act shall not be exercised unless the court is satisfied that the case is one of exceptional hardship which cannot be met by the

SCH. 1

discharge, variation or suspension of any order made, or deemed as aforesaid to have been made, under section 16(1)(b) of this Act, or that paragraph as so applied, as the case may be.

10. In relation to such proceedings as are mentioned in section 34(1) of this Act which were begun before 1st January 1959, that subsection shall have effect as if paragraph (b) were omitted; and, in relation to any such proceedings and in the application of section 34(3) of this Act to any proceedings so begun, subsections (1) and (3) of that section shall have effect respectively as if paragraph (b) in section 46(2) of this Act were omitted.

1950 c. 25.

11. Section 35(1) of this Act shall not apply in relation to an order made under section 23(1) of the Matrimonial Causes Act 1950 before 1st January 1959 and deemed by virtue of paragraph 1 of this Schedule to be made under section 22(1) of this Act.

Section 45.

SCHEDULE 2

REPEALS

Chapter	Short title	Extent of repeal
49 & 50 Vict. c. 27.	The Guardianship of Infants Act 1886.	Section 7.
14 Geo. 6. c. 25.	The Matrimonial Causes Act 1950.	The whole Act.
4 & 5 Eliz. 2. c. 46.	The Administration of Justice Act 1956.	Section 31(2).
5 & 6 Eliz. 2. c. 35.	The Maintenance Agreements Act 1957.	The whole Act.
6 & 7 Eliz. 2. c. 35.	The Matrimonial Causes (Property and Maintenance) Act 1958.	Sections 1 to 6 and the Schedule.
6 & 7 Eliz. 2. c. 40.	The Matrimonial Proceedings (Children) Act 1958.	The whole Act, except sections 17 and 18. In section 17, the words from "and in" onwards.
6 & 7 Eliz. 2. c. 54.	The Divorce (Insanity and Desertion) Act 1958.	Section 18(4).
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	The whole Act.
7 & 8 Eliz. 2. c. 73.	The Legitimacy Act 1959.	In Schedule 7, the entry relating to the Matrimonial Causes Act 1950.
7 & 8 Eliz. 2. c. 73.	The Legitimacy Act 1959.	Section 2(6).
8 & 9 Eliz. 2. c. 61.	The Mental Health (Scotland) Act 1960.	In Schedule 4, the entry relating to the Matrimonial Causes Act 1950.
10 & 11 Eliz. 2. c. 21.	The Commonwealth Immigrants Act 1962.	In section 20(1), the words from the beginning to "1950 and".
1963 c. 45.	The Matrimonial Causes Act 1963.	The whole Act.



Race Relations Act 1965

1965 CHAPTER 73

An Act to prohibit discrimination on racial grounds in places of public resort; to prevent the enforcement or imposition on racial grounds of restrictions on the transfer of tenancies; to penalise incitement to racial hatred; and to amend section 5 of the Public Order Act 1936. [8th November 1965]

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

Discrimination

1.—(1) It shall be unlawful for any person, being the proprietor or manager of or employed for the purposes of any place of public resort to which this section applies, to practise discrimination on the ground of colour, race, or ethnic or national origins against persons seeking access to or facilities or services at that place. Discrimination in places of public resort.

(2) This section applies to the following places of public resort, that is to say—

- (a) any hotel, and any restaurant, café, public house or other place where food or drink is supplied for consumption by the public therein;
- (b) any theatre, cinema, dance hall, sports ground, swimming pool or other place of public entertainment or recreation;
- (c) any premises, vehicle, vessel or aircraft used for the purposes of a regular service of public transport;

(d) any place of public resort maintained by a local authority or other public authority.

(3) For the purposes of this section a person discriminates against another person if he refuses or neglects to afford him access to the place in question, or any facilities or services available there, in the like manner and on the like terms in and on which such access, facilities or services are available to other members of the public resorting thereto.

(4) Except as provided by sections 3 and 4 of this Act, no proceedings, whether civil or criminal, shall lie against any person in respect of an act or omission which is unlawful by virtue only of this section.

1956 c. 62.

(5) In this section " hotel " means an hotel within the meaning of the Hotel Proprietors Act 1956 (that is to say an establishment held out by the proprietor as offering food, drink and, if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received) and any establishment which would be an hotel within the meaning of that Act apart from any discrimination on grounds mentioned in this section.

The Race Relations Board and conciliation committees.

2.—(1) For the purposes of securing compliance with the provisions of section 1 of this Act and the resolution of difficulties arising out of those provisions, there shall be constituted a board to be known as the Race Relations Board, consisting of a chairman and two other members appointed by the Secretary of State.

(2) The Board shall constitute committees, to be known as local conciliation committees, for such areas as the Board consider necessary for the purposes of this section; and it shall be the duty of every such committee—

- (a) to receive and consider any complaint of discrimination in contravention of section 1 of this Act which may be made to them (or made to the Board and referred by the Board to them), being a complaint made by or with the authority in writing of the person against whom the discrimination is alleged to have been practised;
- (b) to make such inquiries as they think necessary with respect to the facts alleged in any such complaint; and
- (c) where appropriate, to use their best endeavours by communication with the parties concerned or otherwise to secure a settlement of any difference between them and a satisfactory assurance against further discrimination contrary to the said section 1 by the party against whom the complaint is made.

(3) In any case where the local conciliation committee are unable to secure such a settlement, or such a settlement and assurance, as aforesaid, or it appears to the committee that any such assurance is not being complied with, the committee shall make a report to that effect to the Race Relations Board; and if it appears to the Board, in consequence of such reports—

(a) that there has taken place in any place of public resort to which the said section 1 applies a course of conduct in contravention of that section; and

(b) that that conduct is likely to continue,

the Board shall report the matter to the Attorney General or the Lord Advocate, as the case may be.

(4) The local conciliation committees shall make to the Board such periodical reports with respect to the exercise of their functions as the Board may require, and the Board, shall, at such times as the Secretary of State may direct, make annual reports to the Secretary of State with respect to the exercise of their functions; and the Secretary of State shall lay before Parliament any report made to him under this subsection.

(5) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the Race Relations Board and local conciliation committees.

(6) In Part II of Schedule 1 to the House of Commons Dis- 1957 c. 20.
qualification Act 1957 (bodies of which all members are disqualified under that Act) there shall be inserted (at the appropriate point in alphabetical order) the entry "The Race Relations Board and any local conciliation committee constituted by the Board under section 2 of the Race Relations Act 1965"; and the like amendment shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Senate and House of Commons of Northern Ireland.

3.—(1) Civil proceedings for the enforcement of section 1 of this Act by injunction may be brought in England and Wales by the Attorney General; and if in proceedings under this section the court is satisfied—

(a) that the defendant has (by himself or by his servants or agents) engaged in connection with a place of public resort to which section 1 of this Act applies in a course of conduct in contravention of that section; and

(b) that he is likely, unless restrained by order of the court, to persist in such conduct,

the court may grant such injunction as appears to the court to be proper in all the circumstances, and in particular an injunction to restrain the defendant from committing or causing or permitting acts of discrimination in contravention of the said section 1 of such kinds, against such persons or against persons of such descriptions, as may be specified in the order of the court.

(2) In proceedings under this section, evidence of any communication made to the Race Relations Board, a local conciliation committee, or any officer or servant of the Board or of such a committee, for the purpose of or in connection with the exercise of their functions under section 2 of this Act shall not be admitted except with the consent of the party by whom it was made.

(3) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, proceedings under this section may be brought in a county court; and any proceedings so brought shall be included among the proceedings mentioned in subsection (2) of section 109 of the County Courts Act 1959 (appeals on questions of fact).

1959 c. 22.

Proceedings
for
enforcement
of section 1 in
Scotland.

4.—(1) If it appears to the sheriff, on an application made by or on behalf of the Lord Advocate, that any person—

(a) has (by himself or by his servants or agents) engaged in connection with a place of public resort to which section 1 of this Act applies in a course of conduct in contravention of that section, and

(b) is likely, unless prohibited by an order of the court, to persist in such conduct,

the sheriff may make an order prohibiting that person from committing or causing or permitting acts of discrimination in contravention of the said section 1 of such kinds, against such persons or against persons of such descriptions, as may be specified in the order.

(2) An appeal shall lie to the Court of Session against any order of the sheriff—

(a) made under the last preceding subsection, or

(b) imposing on any person any punishment in respect of a breach of an order made under that subsection;

and on any such appeal the decision of the Court of Session shall be final.

(3) Subsection (2) of section 3 of this Act shall apply in the case of proceedings under this section as it applies in the case of proceedings under that section.

Discriminatory
restrictions
on disposal
of tenancies.

5.—(1) In any case where the licence or consent of the landlord or of any other person is required for the disposal to any person of premises comprised in a tenancy, that licence or consent shall be treated as unreasonably withheld if and so far as it is withheld on the ground of colour, race or ethnic or national origins:

Provided that this subsection does not apply to a tenancy of premises forming part of a dwelling-house of which the remainder or part of the remainder is occupied by the person whose licence

or consent is required as his own residence if the tenant is entitled in common with that person to the use of any accommodation other than accommodation required for the purposes of access to the premises.

(2) Any covenant, agreement or stipulation which purports to prohibit the disposal of premises comprised in a tenancy to any persons by reference to colour, race or ethnic or national origins shall be construed as prohibiting such disposal except with the consent of the landlord, such consent not to be unreasonably withheld.

(3) In this section "tenancy" means a tenancy created by a lease or sublease, by an agreement for a lease or sublease or by a tenancy agreement or in pursuance of any enactment; and "disposal", in relation to premises comprised in a tenancy, includes assignment or assignation of the tenancy and subletting or parting with possession of the premises or any part of the premises.

(4) This section applies to tenancies created before as well as after the passing of this Act.

Public Order

6.—(1) A person shall be guilty of an offence under this section if, with intent to stir up hatred against any section of the public in Great Britain distinguished by colour, race, or ethnic or national origins—

(a) he publishes or distributes written matter which is threatening, abusive or insulting; or

(b) he uses in any public place or at any public meeting words which are threatening, abusive or insulting, being matter or words likely to stir up hatred against that section on grounds of colour, race, or ethnic or national origins.

(2) In this section the following expressions have the meanings hereby assigned to them, that is to say:—

"public meeting" and "public place" have the same meanings as in the Public Order Act 1936;

"publish" and "distribute" mean publish or distribute to the public at large or to any section of the public not consisting exclusively of members of an association of which the person publishing or distributing is a member;

"written matter" includes any writing, sign or visible representation.

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

(a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand pounds, or both;

but no prosecution for such an offence shall be instituted in England and Wales except by or with the consent of the Attorney General.

Extension
of Public
Order Act
1936 s. 5 to
written
matter.
1936 c. 6.
(1 Edw. 8 &
1 Geo. 6.)

7. For section 5 of the Public Order Act 1936 there shall be substituted the following section:—

“ 5. Any person who in any public place or at any public meeting—

(a) uses threatening, abusive or insulting words or behaviour, or

(b) distributes or displays any writing, sign or visible representation which is threatening, abusive or insulting,

with intent to provoke a breach of the peace or whereby a breach of the peace is likely to be occasioned, shall be guilty of an offence.”

Supplemental

Short title,
commence-
ment and
extent.

8.—(1) This Act may be cited as the Race Relations Act 1965.

(2) This Act shall come into operation at the expiration of one month from the date of its passing.

1957 c. 20.

(3) This Act, except so much of section 2 as amends the House of Commons Disqualification Act 1957, does not extend to Northern Ireland.

SCHEDULE

PROVISIONS AS TO RACE RELATIONS BOARD AND
LOCAL CONCILIATION COMMITTEES*The Race Relations Board*

1. A person appointed to be a member of the Race Relations Board shall hold and vacate office under the terms of the instrument by which he is appointed, but may at any time resign his office; and a person who ceases to hold office as a member of the Board shall be eligible for reappointment.

2. The Board may appoint such officers and servants as they may, after consultation with the Secretary of State and with the consent of the Treasury, determine; and the Board shall be included among the bodies specified in the Table comprised in paragraph 25 of Schedule 2 to the Superannuation (Amendment) Act 1965.

1965 c. 10.

3.—(1) The Secretary of State shall pay to the members of the Board such remuneration and allowances as he may, with the consent of the Treasury, determine.

(2) The Board shall pay to their officers and servants such remuneration and allowances as they may, with the consent of the Treasury and after consultation with the Secretary of State, determine.

4. There shall be defrayed out of moneys provided by Parliament the expenses of the Secretary of State under paragraph 3(1) of this Schedule, together with the expenses of the Board under paragraph 3(2) thereof and, to such amount as the Secretary of State may with the consent of the Treasury approve, any other expenses of the Board.

Local conciliation committees

5. The Chairman and other members of a local conciliation committee shall be appointed by the Board.

6. Paragraph 1 of this Schedule shall apply in relation to a local conciliation committee as it applies in relation to the Board.

7. The Board may pay to members of a local conciliation committee, and to persons assisting in or concerned with the carrying out of the functions of any such committee, travelling or other allowances in accordance with such scales as may be approved by the Secretary of State with the consent of the Treasury, and may defray any other expenses of such committees to such amount as may be so approved.



Superannuation Act 1965

1965 CHAPTER 74

An Act to consolidate the Superannuation Acts 1834 to 1965 and certain other enactments relating to the superannuation of civil servants and other persons employed in the civil service of the State. [8th November 1965]

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

PART I

SUPERANNUATION BENEFITS

Superannuation allowances, etc. in respect of service as a civil servant

1.—(1) Subject to the provisions of this Act, the Treasury may grant to any civil servant who—

- (a) retires from the civil service having served as a civil servant for not less than ten years, and
- (b) either has attained the age of sixty years or retires on a medical certificate,

a superannuation allowance computed by multiplying one-eighthieth of the average annual amount of the salary and emoluments of his office during the last three years of his service by forty or by the number of completed years of his service as a civil servant, whichever is the less.

(2) This section shall not apply in relation to any person for whom provision is otherwise made by Act of Parliament or who is specially excepted by the authority of Parliament.

PART I
Short service
gratuity.

2. Subject to the provisions of this Act, where a civil servant is constrained, by reason of infirmity of mind or body, to retire from the civil service before completing the period of service which would make him eligible for the grant of a superannuation allowance, the Treasury may grant to him such sum of money by way of gratuity as the Treasury think proper, not exceeding one-twelfth of the average annual amount of the salary and emoluments of his office during the last three years of his service for each year of service.

Additional
allowance.

3. Subject to the provisions of this Act, the Treasury may grant to any civil servant who—

- (a) retires from the civil service having served as a civil servant for not less than two years, and
- (b) either has attained the age of sixty years or retires on the ground of ill-health,

by way of additional allowance, in addition to the superannuation allowance (if any) for which he may be eligible or the gratuity (if any) which may be granted to him under section 2 of this Act, a lump sum equal to three-eighths of the average annual amount of the salary and emoluments of his office during the last three years of his service multiplied by the number of completed years he has served, so, however, that the additional allowance shall in no case exceed one and a half times that amount.

Death
gratuity.

4.—(1) Subject to the provisions of this Act, where a civil servant dies, after having served as a civil servant for not less than five years, while still employed in the civil service, the Treasury may grant to his personal representatives a gratuity of whichever of the two following amounts is the greater, that is to say—

- (a) an amount equal to the average annual amount of the salary and emoluments of his office during the last three years of his service, or
- (b) an amount equal to the amount of the additional allowance which the Treasury might have granted to him if he had retired from the civil service on the ground of ill-health at the date of his death.

(2) Subject to the provisions of this Act, where a civil servant having become eligible for the grant of a superannuation allowance dies after he has retired from the civil service, and the sums paid or payable to him at the time of his death on account of such allowance, together with the sum received by him by way of additional allowance, are less than the average annual amount of the salary and emoluments of his office during the last three years of his service, the Treasury may grant to his personal representatives a gratuity equal to the deficiency.

5.—(1) Where—

- (a) a person, on retiring from the civil service on a medical certificate, becomes eligible for the grant of a superannuation allowance, and
 - (b) his reckonable service is less than twenty years,
- the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if his reckonable service had been twenty years.

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Increase of certain allowances in cases of retirement for ill-health with less than 20 years' service.

(2) In the case of a person whose reckonable service would, if he had continued to serve in the employment in which he was when he was last a civil servant until five years after the retiring age, have been a period shorter than twenty years, subsection (1) of this section shall have effect as if for the last reference therein to twenty years there were substituted a reference to that shorter period:

Provided that if his retirement was immediately preceded by a period no part of which counted towards reckonable service and it is recognised by the Treasury as a period throughout which he was on sick leave, this subsection shall only apply if the said period of reckonable service (that is, assuming that the person had continued to serve until five years after the retiring age) plus that period of sick leave together amount to a period shorter than twenty years, and then subsection (1) of this section shall have effect as if for such reference therein to twenty years there were substituted a reference to that shorter period.

(3) This section applies only—

- (a) to cases of actual retirement from the civil service on a medical certificate, and
- (b) to the computation of pensions under Part III and Part IV of this Act which fall to be computed by reference to the amount of the superannuation allowance for which a person who dies while a civil servant would have been eligible if, instead of dying, he had retired on a medical certificate,

and does not affect cases falling within, or pensions under the said Part III or the said Part IV falling to be computed by reference to the superannuation allowance grantable under, any provision (whether contained in this or any other Act) which provides for the grant, in other circumstances, of the same superannuation allowance or additional allowance as might be granted on retirement from the civil service on such a certificate.

6.—(1) Where a civil servant continues to serve as such after both the two following conditions are satisfied in relation to him, that is to say—

- (a) that he has attained the retiring age, and

Additions to allowances for service after retiring age in certain cases.

PART I

(b) that he has forty years of reckonable service,
any superannuation allowance or additional allowance which may be granted to him shall be calculated in accordance with the following provisions of this section.

(2) The said allowances shall be computed—

(a) upon the amount of salary and emoluments upon which they would have fallen to be computed if he had retired as soon as the said two conditions were satisfied in relation to him, or

(b) upon the amount of salary and emoluments upon which they would fall to be computed apart from this section,

whichever is the higher.

(3) For each completed year, not exceeding five, of the reckonable service of the civil servant after the said two conditions were satisfied in relation to him the superannuation allowance may be increased by one-eightieth of the higher of the amounts mentioned in subsection (2) of this section and the additional allowance, if any, may be increased by three-eightieths of the higher of those amounts:

Provided that section 24 of this Act shall not apply to the computation, for the purposes of this subsection, of the reckonable service of a person after the said two conditions are satisfied in relation to him.

(4) This section, so far as it applies to additional allowances, applies also for the purposes of section 4(1) of this Act.

Allowances,
etc., in cases
of premature
retirement of
civil servant
at his
request.

7.—(1) If the employment of a civil servant who has attained the age of fifty years is terminated at his request before the retiring age, the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate:

Provided that, unless the Treasury otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this subsection before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant and if in continuing in that employment he had been employed in the United Kingdom.

(2) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the proviso to the foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.

8. The Treasury may grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organisation of the department to which he belonged, by which greater efficiency and economy can be effected, such special allowance or allowances by way of compensation as on a full consideration of the circumstances of the case seem to the Treasury to be a reasonable and just compensation for the loss of office, but not exceeding in any case the amount which might be granted to a civil servant if he retired on the ground of ill-health.

PART I
Allowances in cases of premature retirement on abolition of office.

9.—(1) Where a civil servant is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and a superannuation allowance cannot lawfully be granted to him, and the Treasury think that the special circumstances of the case justify the grant to him of a retiring allowance, they may grant to him such retiring allowance as they think just and proper, but in no case exceeding the amount for which his length of service would qualify him under section 1 of this Act.

Allowances in cases of discharge for inefficiency.

(2) A person to whom an allowance is granted under subsection (1) of this section may also be granted the same additional allowance, if any, as might have been granted to him if he had retired on a medical certificate.

(3) Before granting any allowance under this section to any civil servant the Treasury shall consider any representations which he may have submitted to them.

(4) A minute of the Treasury granting an allowance or allowances under this section to a civil servant shall set forth the amount of each allowance granted to him, and the reasons for granting it, and shall be laid before Parliament within fourteen days after being made.

10. If—

- (a) the employment of a civil servant who has attained the age of fifty years is terminated before the retiring age, and
- (b) the appropriate Minister certifies that the termination of his employment is desirable in the interests of efficiency,

Allowances in cases of premature retirement in interests of efficiency.

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate.

In this section “the appropriate Minister” means the Minister responsible for the civil servant’s department or, if there is no

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such Minister or there is any doubt as to who that Minister is, such Minister as may be determined by the Treasury.

Allowances, etc., may be reduced for demerit.

11. If the defaults or demerit of any person in relation to the public service appear to the Treasury to justify it, the Treasury may grant to that person a superannuation allowance, additional allowance, compensation allowance or gratuity under this Act of less amount than would otherwise have been granted to him, or may grant to the personal representatives of that person a gratuity under section 4 of this Act of less amount than would otherwise have been granted to them.

Re-employment after retirement

Cessation or reduction of annual allowance on re-employment.

12. Where any person enjoying any superannuation allowance in consequence of retiring from office on account of age, infirmity or any other cause, or enjoying any compensation for past services on the abolition or reduction of office, is appointed to fill any office in any public department, such allowance or compensation shall cease to be paid for any period after that appointment if the annual amount of the profits of the office to which he is appointed shall be equal to those of the office formerly held by him, and if they shall not be equal to those of his former office then no more of such allowance or compensation shall be paid to him than that which with the salary of his new appointment shall be equal to that of his former office.

Additions to allowances in certain cases of unestablished employment after retirement.

13.—(1) Where—

- (a) a person who has ceased to be a civil servant re-enters, either immediately or after an interval, the civil service to serve in an unestablished capacity, and
- (b) when he re-enters the civil service, he has been granted or is eligible for the grant of a superannuation allowance,

any superannuation allowance or additional allowance granted to him may, as from the cessation of the said service in an unestablished capacity, be increased in accordance with the following provisions of this section:

Provided that—

- (i) any service in an unestablished capacity which is not continuous service lasting for at least one year shall be left out of account for the purposes of this section; and
- (ii) where the person in question ceased to be a civil servant before attaining the retiring age, no account

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shall be taken for any of the purposes of this section (including the purposes of paragraph (i) of this proviso) of any service in an unestablished capacity before he attains the age which would have been the retiring age for him if he had continued in the employment in which he was when he was last a civil servant and if in continuing in that employment he had been employed in the United Kingdom.

The reference in this subsection to the cessation of a person's service in an unestablished capacity includes a reference to the cessation thereof by reason of his death.

(2) The said allowances shall be computed—

(a) upon the amount of salary and emoluments upon which they would have fallen to be computed if the service in an unestablished capacity had been service in an established capacity and the salary and emoluments of the service in an unestablished capacity had fallen to be taken into account accordingly, or

(b) upon the amount upon which they would have fallen to be computed apart from this section,

whichever is the higher.

(3) For each completed year, not exceeding five, of continuous service in an unestablished capacity the superannuation allowance may be increased by one-eightieth of the higher of the amounts mentioned in subsection (2) of this section and the additional allowance, if any, may be increased by three-eightieths of the higher of those amounts.

(4) If a person ceases to be a civil servant and immediately re-enters the civil service to serve therein in an unestablished capacity, and when he ceases to be a civil servant,—

(a) his reckonable service is less than forty years and includes an odd part of a year, or

(b) his reckonable service is more than forty years, and the part of that reckonable service (computed in accordance with the proviso to section 6(3) of this Act) after the two conditions set out in subsection (1) of that section have been satisfied in relation to him includes an odd part of a year,

the said odd part of a year shall be taken into account for the purposes of this section as if it were part of the service in an unestablished capacity.

(5) Notwithstanding anything in section 6(3) of this Act, no year shall be taken into account thereunder which would make the number of years taken into account under that and subsection (3) of this section exceed five in all.

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(6) The enactments relating to the computation of reckonable service, other than section 24 of this Act, shall apply to the computation of service for the purposes of the proviso to subsection (1) of this section, and of subsection (3) of this section, as if it were established service.

Modification, as respects certain civil servants, of certain provisions as to allowances and gratuities

Modification of ss. 1, 3, 4, 6 and 13 as respects certain civil servants.

14. Sections 1, 3, 4, 6 and 13 of this Act shall, in relation to any person to whom Part I, Part II, Part III or Part IV of Schedule 1 to this Act applies, have effect subject to the provisions of the said Part I, the said Part II, the said Part III or the said Part IV, as the case may be.

Gratuities in respect of unestablished and part-time service

Gratuities for unestablished service.

15.—(1) If a person employed in an unestablished capacity dies while still in his employment after having served continuously therein for not less than five years the Treasury may grant a gratuity to his personal representatives.

(2) If a person employed as aforesaid retires or is removed from his employment after having served continuously therein for not less than five years, the Treasury may, on the recommendation of the head officer of the department, grant a gratuity to him.

(3) The rate at which a gratuity may be granted under either of the foregoing subsections shall be—

- (a) for each year of service in the employment, up to five years, one week's pay,
- (b) for each year of such service in excess of five years and up to ten years, two weeks' pay, and
- (c) for each year of such service in excess of ten years, four weeks' pay:

Provided that the total amount of the gratuity shall not exceed the amount of one year's pay.

(4) If a civil servant who, before he was a civil servant, was employed in an unestablished capacity dies without having completed sufficient service for it to be possible that a gratuity should be paid in respect of him, his employment as a civil servant may be treated for the purposes of this section as if it were employment in an unestablished capacity.

(5) Service taken into account for the purposes of section 13 of this Act shall not also be taken into account for the purposes of this section.

(6) Where a married woman who before her marriage was employed as a civil servant has in consequence of her marriage been transferred to employment in an unestablished capacity and

no gratuity was paid to her on her marriage in respect of her service as a civil servant, then, for the purposes of this section, her said service shall be treated as if it were service in an unestablished capacity.

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16.—(1) The part-time service to which this section applies is part-time service in the civil service where the person employed gives personal service of at least eighteen hours a week and the remuneration is defrayed entirely out of moneys provided by Parliament or the Post Office Fund. Gratuities for part-time service.

(2) Subject to the provisions of this subsection, section 15(1) to (4) of this Act, and section 21(2) thereof, shall apply in relation to persons who die while employed in, or retire or are removed from, part-time service to which this section applies, or who, having become civil servants after having been employed in such part-time service as aforesaid, die while still civil servants, as if references in those subsections to employment or service in an unestablished capacity were references to employment or service in such part-time service as aforesaid:

Provided that—

- (a) if the pay for the part-time service covers expenses, the rate thereof shall be treated for the purposes of this subsection as reduced to such extent as the Treasury may think fit;
- (b) if the pay for the part-time service is computed by reference to a weekly rate based on full-time service and varies according to the number of hours actually worked in the week, the rate thereof shall be taken for the purposes of this subsection to be one half of that weekly rate.

17.—(1) Section 15(1) and (2) of this Act and those subsections, as applied by section 16(2) of this Act, shall have effect as if the references in those subsections to continuous service in an unestablished capacity or, as the case may be, in part-time service to which the said section 16 applies included references to service which is partly the one and partly the other (in this section called "mixed service"). Gratuities for mixed unestablished and part-time service.

(2) For the purposes of section 15(3) of this Act as it applies in relation to mixed service—

- (a) the amount of one week's pay shall, where the last part of the period of employment was part-time service to which the said section 16 applies, be the weekly rate for full-time service in that capacity, and references to a year's pay shall be construed accordingly; and

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(b) only one half of any part of the employment which is part-time service to which the said section 16 applies shall count.

(3) Subject to subsections (4) and (5) of this section, where section 18(5) of this Act applies in relation to mixed service—

(a) the period of mixed service shall, for the purposes of that subsection, be taken as a whole; and

(b) the period of five years to be assumed under that subsection shall be regarded as made up of the two kinds of service in the same proportions as the actual mixed service.

(4) Where the effect of this subsection would be to afford a larger gratuity to any person, the foregoing provisions of this section shall not apply to him, but for the purposes of sections 15, 16(2) and 18(5) of this Act the part of the mixed service which is service in an unestablished capacity shall be treated as if it were part-time service to which the said section 16 applies.

(5) Where the effect of this subsection would be to afford a larger gratuity to any person whose mixed service began before 29th April 1965, the provisions contained in Schedule 2 to this Act, and not the foregoing provisions of this section, shall apply to him.

Gratuities and allowances payable to or in respect of civil servants and others injured, etc., in discharge of their duties

Gratuities and allowances to civil servants and others injured or contracting disease in the discharge of their duties.

18.—(1) Where a person who is a civil servant, or, not being a civil servant, is employed in a civil capacity for the purposes of Her Majesty's Government in the United Kingdom, whether temporarily or permanently and whether for reward or not, either—

(a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or

(b) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct,

the Treasury may grant to him, and, if he dies as a direct result thereof, to all or any of the following persons, that is to say—

(i) his widow,

- (ii) his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, is wholly or mainly dependent on him at the time of his death,
- (iii) his children, and
- (iv) where he has no children who are, under the terms of the warrant hereinafter mentioned, eligible for the grant of a gratuity or allowance under this section, any brother or sister of his who is wholly or mainly dependent on him at the time of his death,

such gratuity or annual allowance as the Treasury may consider reasonable, and as may be permitted by the terms of a warrant of the Treasury under this section.

(2) The reference in subsection (1) of this section to the widow of the person who is injured or contracts the disease shall, where that person is a female, be deemed to be a reference to her widowed husband if he is wholly or mainly dependent on her at the time of her death.

(3) Where the person who is injured or contracts the disease is a civil servant, any allowance granted under this section to him shall not, together with any superannuation allowance, and the annuity value of any additional allowance, for which he is otherwise eligible, exceed five-sixths of the annual salary and emoluments of his office.

In this subsection "annuity value" means, in relation to an additional allowance for which a person is eligible, the value thereof computed in accordance with the Tables for immediate life annuities framed under Part II of the Government Annuities Act 1929 which are in force when he ceases to be a civil servant. 1929 c. 29.

Any reduction effected or to be effected in the amount of any additional allowance by way of contribution under Part III or Part IV of this Act shall be left out of account for the purposes of this subsection and, accordingly, the annuity value of any additional allowance shall be determined as if no such reduction as aforesaid had been or had to be made.

(4) Where the person who is injured or contracts the disease is a civil servant whose service, as computed for the purposes of section 4 of this Act, is less than five years and he dies as the direct result of the injury or disease, he shall be treated for the purposes of that section as if his service had amounted to five years.

(5) Where the person who is injured or contracts the disease is a person employed in an unestablished capacity whose continuous service therein, as computed for the purposes of section 15 of this Act, is less than five years, or is a person in part-time service to which section 16 of this Act applies whose

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continuous service of that kind as so computed is less than five years, and he dies as the direct result of the injury or disease, his continuous service shall be treated for the purposes of the said section 15 as amounting to five years.

(6) Where a civil servant recruited as such in the United Kingdom is employed outside the United Kingdom for the purposes of Her Majesty's Government in the United Kingdom and suffers an aggravation of a disease from which he is already suffering, being an aggravation to which he is exposed by the nature of his duty outside the United Kingdom and which is not wholly or mainly due to his own serious and culpable negligence or misconduct, this section shall apply in relation to him as if, when he sustained the aggravation, he had contracted such a disease as is mentioned in subsection (1)(b) thereof.

(7) A warrant under this section may be revoked or varied by a subsequent warrant of the Treasury thereunder.

Recovery
in certain
circumstances
of payments
made under
s. 18.

19.—(1) If a warrant under section 18 of this Act authorises the Treasury to take into account, as against any sums otherwise payable under the warrant, any damages which are recovered or recoverable by or on behalf of the recipient of the payments under that section in respect of the injury, disease or death in consequence of which the payments are made, and the Treasury make any payments without taking such damages into account, then if and when the Treasury are satisfied that there are any damages to be so taken into account they shall have the right to recover from the recipient—

- (a) where the amount of the payments made by the Treasury is less than the net amount of the damages, the amount of those payments ;
- (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.

(2) So far as any amount recoverable under this section represents a payment made by the Treasury from which income tax has been deducted before payment, the proper allowance shall be made in respect of the amount so deducted, and in this section "the net amount of the damages" means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.

(3) No proceeding shall be brought to recover any amount under this section—

- (a) after the death of the recipient of the payments, or

(b) after the expiration of two years from the date on which the amount of the damages taken into account in arriving at the amount so recoverable is finally determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which the final determination of that amount first came to the knowledge of the Treasury, whichever date is the later.

(4) A certificate issued by the Treasury and stating the date on which the final determination of any amount of damages first came to the knowledge of the Treasury shall be admissible in any proceedings as sufficient evidence of that date.

(5) The provisions of this section are without prejudice to any right of the Treasury under any such warrant to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of the payment.

Reckoning of certain types of service in civil service

20.—(1) If, at the time when any person became or becomes a civil servant, he was or is employed in an unestablished capacity, then, subject to subsections (2) and (3) of this section, his continuous service in such a capacity shall—

Reckoning of continuous unestablished service.

(a) as to one half of the period thereof (if any) rendered before 14th July 1949, and

(b) as to the whole of the period thereof rendered after 13th July 1949,

be reckoned for the purposes of this Act as service in the capacity of a civil servant.

(2) For the purpose of computing, in the case of any person, the service to be reckoned under subsection (1) of this section, no account shall be taken of any period for which that person has served before attaining the age of eighteen years.

(3) The provisions of Schedule 3 to this Act shall have effect in relation to persons whose continuous service in employment in an unestablished capacity began before 27th June 1935 and who subsequently became or become civil servants.

21.—(1) The Treasury may direct—

(a) that, subject to such conditions as they may determine, the service of any person in an unestablished capacity for two or more periods shall, for the purpose of determining whether or not his service in such a capacity is to be reckoned under section 20(1) of this Act, be treated as if it were continuous service beginning

Reckoning of discontinuous unestablished service.

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at the commencement of the first of those periods or of such one of them as the Treasury may determine ;

- (b) that, subject as aforesaid, discontinuous periods of service in an unestablished capacity shall be aggregated for the purpose of computing the service to be reckoned under the said section 20(1);
- (c) that, subject as aforesaid, a person admitted into the civil service with a certificate from the Civil Service Commissioners shall, if before the certificate was issued he was for any period employed in an unestablished capacity, be treated for the purpose of the said section 20(1) as having become a civil servant at such date after the beginning of that period and before the certificate was issued as the Treasury may determine (not being a date earlier than that on which the Treasury had decided to recognise the post in which he was serving as an established post) and that any service of his in an unestablished capacity after the date determined shall be reckoned for the purposes of this Act as service in the capacity of a civil servant.

(2) Paragraphs (a) and (b) of the foregoing subsection shall apply for the purposes of section 15 of this Act as they apply for the purposes of section 20(1) thereof.

Interval between unestablished and established service: reckoning of unestablished service.

22. The Treasury may direct that, subject to such conditions as they may determine, sections 20 and 21(1) of this Act shall apply to a person who became or becomes a civil servant after having previously been employed in an unestablished capacity notwithstanding that there was or is an interval between the conclusion of his employment in such a capacity and the time when he became or becomes a civil servant.

Part-time service preceding service as civil servant.

23.—(1) Where either of the following conditions is satisfied in relation to a person who on 14th July 1949 or at any time thereafter was or is a civil servant, that is to say—

- (a) that, when he became a civil servant, he was serving in part-time service to which section 16 of this Act applies which would, in the opinion of the Treasury, have fallen to be treated as reckonable service, whether as to the whole or as to one-half thereof, if it had been whole-time service, or
- (b) that he became a civil servant after serving in an unestablished capacity in such circumstances that all or some of his service in an unestablished capacity falls to be treated as reckonable service, either as to the whole or as to one-half thereof, and was serving in such part-time service as aforesaid when his service in an unestablished capacity began,

then, subject to the following subsection, his continuous service in such part-time service as aforesaid immediately before he became a civil servant or, as the case may be, immediately before he began to serve in an unestablished capacity, except so much thereof as took place before he attained the age of eighteen years, shall, as to one-half or, if and so far as that service took place before 14th July 1949, one-quarter of the period thereof, be reckoned for all the purposes of this Act as service as a civil servant.

(2) The Treasury may direct—

- (a) that, subject to such conditions as they may determine, the service of any person in part-time service to which section 16 of this Act applies for two or more periods, shall, for the purpose of determining whether or not such service by him is to be reckoned as aforesaid, be treated as if it were continuous service beginning at the commencement of the first of those periods or of such one of them as the Treasury may determine ;
- (b) that, subject as aforesaid, discontinuous periods of such part-time service as aforesaid shall be aggregated for the purpose of computing the service to be reckoned as aforesaid ; and
- (c) that, subject as aforesaid, the foregoing subsection shall apply to a person who had part-time service to which the said section 16 applies notwithstanding that there is an interval between the conclusion of his part-time service and the beginning of his service as a civil servant or of his service in an unestablished capacity, as the case may be.

24.—(1) If with respect to any person becoming a civil servant after attaining the age of forty years the Treasury have directed that he shall be subject to the provisions of this subsection, then, for the purposes of this Act, the length of his service shall be treated as eight-fifths of the actual length thereof. Late entrants.

(2) If with respect to any person becoming a civil servant between the ages of thirty and forty years the Treasury have directed that he shall be subject to the provisions of subsection (1) of this section, those provisions shall apply in his case accordingly, but his service before attaining the age of forty years shall be disregarded for the purposes of this Act :

Provided that, notwithstanding the direction, this subsection shall not have effect so as to prevent or reduce any award under this Act which might have been made if the direction had not been given.

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(3) No direction shall be given under this section in the case of any person after the expiration of six months from the date on which he became a civil servant.

(4) Any direction under this section shall be laid before Parliament forthwith after being given.

Computation of service and reduction of retiring age where service has been in certain places abroad.

25.—(1) This section shall apply in relation to such countries and places (being countries or places outside the United Kingdom) as the Treasury may by order specify (in this section referred to as “countries or places to which this section applies”).

(2) Subject to the provisions of this section, in computing the amount of any superannuation allowance, additional allowance or gratuity, each year of actual service in a country or place to which this section for the time being applies, either as a civil servant or in an unestablished capacity, shall be reckoned as service as a civil servant or service in an unestablished capacity, as the case may be, for one and a half years and so proportionately as regards parts of a year:

Provided that this subsection shall not apply to any service which would, apart from this subsection, fall to be reckoned for any of the purposes aforesaid at a rate greater than one and a half years for each year of actual service.

(3) Subject to the provisions of this section, for each completed year of actual service as a civil servant in countries or places to which this section for the time being applies, the age on retirement at which without a medical certificate a superannuation allowance or additional allowance may be granted apart from the provisions of sections 7 and 10 of this Act shall be reduced by three months, so, however, that the said age shall not in any case be reduced below fifty-five years.

Service in an unestablished capacity in countries or places to which this section for the time being applies which could be taken into account in computing the amount of any superannuation allowance shall be taken into account under this subsection as if it were service as a civil servant.

(4) Nothing in this section shall, without the consent of the Treasury, apply to a person who was residing in a country or place to which this section for the time being applies when he first entered the civil service.

(5) Nothing in this section shall affect the minimum period which it is requisite that a person should serve in order that a superannuation allowance, additional allowance or gratuity may become payable to or in respect of him.

(6) Any order made under the Superannuation Act 1876 declaring a country or place to be an unhealthy place shall be deemed for the purposes of this section to be an order under subsection (1) of this section specifying that country or place for the purposes of this section. PART I
1876 c. 53.

(7) Any order under this section may be revoked or varied by a subsequent order of the Treasury.

(8) An order under this section may, if in the special circumstances of the case it appears proper to the Treasury so to frame the order, be so framed as to apply this section to a country or place as from a date before that of the making of the order, and where an order is so framed references in this section to a country or place to which this section for the time being applies shall be construed accordingly.

(9) This section—

(a) so far as it affects superannuation allowances, additional allowances and gratuities other than gratuities under section 15 of this Act shall have effect, and be deemed always to have had effect, in relation to any person who has served as a civil servant at any time after 13th July 1949 ;

(b) so far as it affects gratuities under the said section 15 shall have effect and be deemed always to have had effect, in relation to any person who has served in an unestablished capacity at any time after 13th July 1949 :

Provided that, for the purpose of the computation of service required to be made by section 13 of this Act, this section shall have effect and be deemed always to have had effect in relation to every person to whom that section applies, whether or not he has served as a civil servant after 13th July 1949.

26.—(1) This section applies to employment in prisons and other institutions to which the Prison Act 1952 or the Prisons (Scotland) Act 1952 applies, whether with or without modifications, being employment of any such classes as the Secretary of State may with the approval of the Treasury by order prescribe. Computation of service and reduction of retiring age in the case of certain prison and other employments.

(2) Fifty-five years shall be substituted for sixty years as the age on retirement at which without a medical certificate a superannuation allowance or additional allowance may be granted apart from the provisions of sections 7 and 10 of this Act to a civil servant who retires from employment to which this section applies. 1952 c. 52.
1952 c. 61.

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(3) After twenty years of actual service, whether as a civil servant or in an unestablished capacity, in employment to which this section applies, each year of actual service in such employment shall be reckoned for the purpose of computing the amount of any superannuation allowance, additional allowance or gratuity as two years of service as a civil servant or, as the case may be, of service in an unestablished capacity, and so proportionately as regards parts of a year.

The foregoing provision shall not be taken as affecting the reckoning of service in any year earlier than the twenty-first of the years of actual service mentioned in that provision, being service of the kind specified in that provision as extended by section 27(1) of this Act.

1919 c. 67. (4) Any order or other instrument made or issued under the Superannuation (Prison Officers) Act 1919 prescribing an employment for the purposes of that Act shall be deemed for the purposes of this section to be an order under subsection (1) thereof prescribing that employment for the purposes of this section.

1935 c. 23. This subsection applies to orders and instruments made or issued under the said Act in relation to employment in Broadmoor institutions or criminal lunatic asylums, or made or issued under section 10 of the Superannuation Act 1935, in relation to employment in institutions maintained by the Board of Control under sections 25 and 35 of the Mental Deficiency Act 1913, and the provisions of subsection (1) of this section shall be extended accordingly.

1913 c. 28. (5) Any order under this section may be revoked or varied by a subsequent order of the Secretary of State made with the approval of the Treasury.

(6) This section shall have effect in relation to any person who has served in an employment to which this section applies at any time after 13th July 1949 and, in relation to any such person, shall be deemed always to have had effect:

Provided that, for the purpose of the computation of service required to be made by section 13 of this Act, this section shall have effect and be deemed always to have had effect in relation to every person to whom that section applies, whether or not he has served as a civil servant after 13th July 1949.

Persons transferring to prison service from employments outside civil service.

1946 c. 81.

27.—(1) The Treasury may order that for the purpose of section 26(3) of this Act there shall be treated as employment to which that section applies employment of any kind specified in the order, being employment otherwise than in the civil service—

(a) which, by virtue of regulations under section 67 of the National Health Service Act 1946 or section 66 of the

PART I

National Health Service (Scotland) Act 1947, or of 1947 c. 27. rules under section 2 of the Superannuation 1948 c. 33. (Miscellaneous Provisions) Act 1948, or of any other enactment or instrument, may be taken into account in computing any allowance, gratuity or other benefit under this Act, or

(b) which may be taken into account for the purposes of any provision whereby any period of such employment as is mentioned in paragraph (a) of this subsection may be treated as if it were a longer period.

(2) Where by virtue of an order under this section any such employment as is mentioned in subsection (1)(b) of this section is treated as employment to which the said section 26 applies, the said section 26(3) shall have effect subject to such modifications, if any, as may be specified in the order.

(3) Except as otherwise provided by an order under this section, any such order shall have effect as respects employment of the kind specified in the order in periods before or after the making of the order.

(4) Any order under this section may be varied or revoked by a subsequent order.

28. Sections 24(1), 25 and 26 of this Act shall not be taken as affecting any provision of this Act under which any allowance or gratuity is computed on the average annual amount of the salary and emoluments of an office during the last three years of actual service or sections 57(3) and 69(3) thereof or paragraph 2(2), 3, 6, 7 or 10 of Schedule 1 thereto.

Computation of pensions, etc., on average salary not affected by ss. 24-26.

War service and national service

29.—(1) Where a person who was a civil servant on 14th July 1949 had, before he became a civil servant, served in whole-time service in the armed forces of the Crown, the merchant navy or the mercantile marine at any time between 4th August 1914 and 31st August 1921, then, if and so far as that service took place after the date on which he was declared successful in a competitive examination for persons desiring to become civil servants or, as the case may be, the date on which he was nominated by the head officer of a government department for appointment to the civil service, it shall be reckoned for the purposes of this Act as if it had been service as a civil servant.

Counting of certain war service for superannuation purposes.

(2) For the purposes of this section a person who became a civil servant more than three months after the date on which he was declared or nominated as mentioned in the foregoing subsection shall be deemed to have served in whole-time service in the armed forces of the Crown, the merchant navy or the

PART I mercantile marine during the whole of the period between that date and the date on which he became a civil servant, unless the contrary appears.

War service to count as unestablished service.

30.—(1) Where a person entered the civil service during the period beginning with 3rd September 1939 and ending with 30th June 1950 after whole-time service during that period in the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 4 to this Act, then, for the purposes of sections 15, 20 and 21 of this Act, any such whole-time service as aforesaid served by that person after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the civil service in the class in which he was in fact appointed shall, subject to any regulations made under this section, be treated as if it had been continuous service in an unestablished capacity ending immediately before the date on which the said person entered the civil service.

(2) Where a person entered the civil service after 30th June 1950 through recruitment by a competition determined by the Treasury to be a reconstruction competition and after whole-time service at any time since 2nd September 1939 in any of the armed forces of the Crown, in the merchant navy or the mercantile marine, or in any of the women's services specified in Schedule 4 to this Act, then, for the purposes of sections 15, 20, 21 and 22 of this Act, any such whole-time service as aforesaid served by that person after he had attained the age at which, in the opinion of the Treasury, he might but for war circumstances have been appointed to the civil service in the class in which he was in fact appointed shall, subject to any regulations made under this section, be treated as if it had been continuous service in an unestablished capacity.

(3) The Treasury may make regulations—

(a) for securing that service shall not be reckoned for the purposes of subsection (1) or (2) of this section if it is reckoned for the purposes of the grant of naval, military or air force non-effective pay, including gratuities other than war gratuities to which section 23 of the Finance (No. 2) Act 1945 (which exempted war gratuities from income tax) applied ;

(b) for excluding from the operation of the said subsection (1) or (2) any period in respect of which the person in question was in receipt of such non-effective pay as aforesaid, or in respect of which he was in receipt of remuneration in excess of the full normal remuneration of his post in consideration of the service in respect of which the excess remuneration was payable not being reckoned for increase of any such non-effective pay ;

1945 c. 13.
(9 & 10
Geo. 6.).

so however that the regulations shall not prevent any service from counting for the purposes of so much of section 15 of this Act as requires a minimum period of service as a condition for the grant of a gratuity.

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31.—(1) For the purpose of adapting this Act to the circumstances of persons whose employment in the civil service (in this subsection referred to as “usual employment”) was interrupted or terminated by war circumstances, so as to authorise the making of awards which, or the amount of which, would not be authorised under this Act apart from this section, the Treasury may make regulations providing, in the case of persons of any class to which the regulations apply,—

Modifications
of Act to meet
war circum-
stances.

- (a) for reckoning time during the war period during which such a person was absent from his usual employment in order to engage in other employment recognised by the Treasury as being of national importance as if he had spent the time in his usual employment at the remuneration which he would have been receiving if he had not left that employment ;
- (b) in the case of a person who, having entered on his usual employment after having served on a regular engagement in the armed forces of the Crown, left his usual employment to enter on further service in those forces, and was subsequently reinstated in his usual employment, for reckoning such further service, or any subsequent employment in the civil service before he was reinstated, for the purposes of this Act in such manner as may be specified in the regulations ;
- (c) in the case of a person who, not being a person falling within the last foregoing paragraph, left his usual employment after 2nd September 1939, without the consent of the head officer in the department in which he was employed, to enter on service in the armed forces of the Crown or on other work recognised by the Treasury as being of national importance, and was subsequently reinstated in his usual employment, for reckoning as aforesaid such service or work, or any subsequent employment in the civil service before he was reinstated ;
- (d) in the case of a person who after the said date left his usual employment through having for reasons of conscience refused to enter on service in the armed forces of the Crown or to continue in his usual employment, but later entered on such service or returned to employment in the civil service and was subsequently reinstated in his usual employment, for reckoning as aforesaid such service or employment before he was reinstated ;

(e) for applying section 1 of the Superannuation Act 1887 (which provided in the case of death or injury arising from service for awards in accordance with the terms of a Treasury warrant) and any warrant made thereunder to persons who were injured while in territory occupied by an enemy, or whose injury is attributable to circumstances arising while they were in such territory.

(2) In this section "war period" means the period beginning with 3rd September 1939 and ending with 31st December 1949.

Reckoning
of certain
kinds of
national
service.

32.—(1) The Treasury may make rules providing that where a person immediately before he entered upon compulsory national service was a civil servant or serving in an unestablished capacity, the period of his compulsory national service and such further period, if any, after the termination thereof as may be specified in the rules shall be treated for the purposes of this Act as service as a civil servant or in an unestablished capacity, as the case may be.

1951 c. 65.

(2) The foregoing subsection shall, subject to the following provisions of this section, apply in relation to persons who enter upon service of a description specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (hereinafter referred to as "the Act of 1951") as it applies in relation to persons who entered upon compulsory national service.

(3) Where a person who had been successful in a competitive examination for persons desiring to obtain posts in the civil service entered upon compulsory national service before becoming a civil servant, and that examination, or any subsequent examination for persons desiring to obtain similar posts held before 29th April 1965, was one in which persons below the age of eighteen years were allowed to compete, then, where rules made under this section so provide, so much of the period of his compulsory national service as fell after the date on which the Civil Service Commissioners issued their certificate of qualification in relation to him, and such further period, if any, after the termination of his compulsory national service as may be specified in the rules, shall be treated for the purposes of this Act as service as a civil servant.

(4) Where a person who has been successful in a competitive examination for persons desiring to obtain posts in the civil service or who has been nominated by a government department with the approval of the Treasury for appointment to such a post enters upon service of a description specified in Schedule 1 to the Act of 1951 other than compulsory national service, then, where rules made under this section so

provide, so much of the period of such service of his as falls after the date on which the Civil Service Commissioners issue their certificate of qualification in relation to him and such further period, if any, after the termination of that period as may be specified in the rules shall be treated for the purposes of this Act as service as a civil servant.

(5) Rules made under this section may make provision for securing that, where a person undertakes service of a description specified in Schedule 1 to the Act of 1951 other than compulsory national service—

(a) the same period of time shall not be reckoned both for the purposes of any superannuation benefits which may become payable to or in respect of him by virtue of the rules and also for the purposes of naval, military or air force service retired pay, service pension or service gratuity ; and

(b) for the purpose of computing any superannuation benefits which may become payable as aforesaid, that person shall be treated as having received during the period of that service the remuneration which he would have received if he had remained in the employment in which he was engaged immediately before he undertook that service.

(6) Rules made under this section may be so framed as to apply, and to be deemed always to have applied—

(a) in relation to any person referred to in subsection (1) of this section who entered upon his compulsory national service after 30th June 1947, and

(b) in relation to any person referred to in subsection (3) of this section who entered upon his compulsory national service at any time after 31st December 1945 ;

and rules so made in relation to persons in relation to whom the said subsection (1) applies by virtue of subsection (2) of this section, or in relation to any person referred to in subsection (4) of this section, may be framed so as to have effect as from 15th July 1950.

(7) Rules made under this section may contain such consequential and incidental provisions as appear to the Treasury to be necessary or expedient, including provisions requiring the giving of information and the production of documents, and provisions repealing, revoking, varying or applying any statutory provision relating to the subject-matter of the rules; and any such rules may make different provision for different cases or classes of cases.

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In this subsection "statutory provision" means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature.

1948 c. 64.

1939 c. 81.

(8) In this section "compulsory national service" means service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Acts 1939 to 1947 or Part I of the National Service Act 1948 or work or training in pursuance of an order of a tribunal under section 5 of the National Service (Armed Forces) Act 1939 or work or training in pursuance of an order made or direction given under the said Part I as respects a conditionally registered conscientious objector.

Reckoning of service in certain employments preceding entry to civil service

Persons taken into civil service after employment with certain bodies, etc.

33.—(1) Where, in connection with the provision of a new government service or the extension of an existing government service, persons have been taken into the civil service after having been employed by a body or organisation—

- (a) which had as its object, or one of its objects, the provision of services similar to the said government service, and
- (b) the income of which was wholly or partly derived from moneys provided by Parliament,

and in the opinion of the Treasury their employment by that body or organisation was of the same nature and for the same purpose as their employment in the civil service, the Treasury may by rules provide for service in employment by that body or organisation being reckoned, in such manner and to such extent as may be specified in the rules, as service in the civil service for the purposes of this Act and modify in other respects the provisions of this Act as they apply in relation to those persons.

(2) Rules under this section may, in relation to persons who had acquired or were in the course of acquiring pension rights in respect of their employment by any such body or organisation, in particular provide for making it a condition of obtaining benefits under this Act—

- (a) that any contributions made by a person in order to obtain any such pension rights, being contributions refunded to him on the termination of the employment, shall be paid to the Exchequer, and
- (b) that payments are to be made by the body or organisation to the Exchequer in respect of those persons.

In this subsection "pension right" includes all forms of right to or eligibility for present or future payments of a pension, lump sum or gratuity.

(3) This section shall not apply in relation to employment of any of the kinds specified in section 35(1) or 36(1) of this Act, but, subject to that, this section shall apply whatever the time at which the persons concerned were taken into the civil service.

34.—(1) For the purpose of determining whether a civil servant has served for the minimum period prescribed under this Act for the payment of a superannuation allowance or additional allowance, or a gratuity to his personal representatives on his death, any service before he became a civil servant which is—

Reckoning of service of former teachers.

- (a) recognised or contributory service for the purposes of the Teachers (Superannuation) Acts 1918 to 1956, or
- (b) service which is recorded as first class service under regulations made under section 101 of the Education 1946 c. 72. (Scotland) Act 1946 (as substituted by section 10 of the Education (Scotland) Act 1956) or section 102 of 1956 c. 75. the Education (Scotland) Act 1962 or any amendment 1962 c. 47. thereof (hereinafter referred to as "the Scottish Regulations"), or
- (c) service (not falling within the foregoing paragraphs) approved by the Treasury for the purposes of this section, being—
 - (i) service which may be treated for any of the purposes of the Teachers (Superannuation) Acts 1918 to 1956 as recognised or contributory service, or
 - (ii) employment which may be treated as service for the purpose of determining whether a teacher has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under the Scottish Regulations,

shall, subject to subsection (2) of this section, be treated as if it were service as a civil servant.

(2) Any service which under section 12(2) of the Teachers 1925 c. 59. (Superannuation) Act 1925 or under the Scottish Regulations would, by reason of the repayment of contributions, be excluded in reckoning periods of contributory or recognised service for the purposes of Part II of the said Act of 1925 or in reckoning periods of first class service under the Scottish Regulations, as the case may be, shall be disregarded for the purposes of subsection (1) of this section.

PART I
Special
provision as
to certain
transfers to
the service of
the State.

35.—(1) Rules made by the Treasury under this subsection may make provision with respect to the pensions payable to and in respect of the following persons, namely—

(a) persons who, having been employed in one or more of the following employments, that is to say—

(i) as officers or servants of a local authority in service all or any part of which was not pensionable employment ; or

(ii) in any other employment service in which was not then pensionable but was service in respect of which those persons would, if they had continued in that employment, have become entitled to participate in the benefits of a superannuation fund maintained under Part I of the Local Government Superannuation Act 1937, or Part I of the Local Government Superannuation (Scotland) Act 1937, or under a local Act scheme,

left any such employment before such date, being a date before 28th May 1948, as may be specified in the rules, in order to become civil servants in the department of the Assistance Board ; and

(b) persons who, having been employed by the Safety in Mines Research Board, or by a War Agricultural Executive Committee within the meaning of the Agriculture (Miscellaneous War Provisions) Act 1940, became, before such date as may be specified in the rules, civil servants or persons employed in an un-established capacity ; and

(c) persons who, having been employed in the body which, at the time when it ceased to exist, was known as “ K ” Signals Company of the Royal Corps of Signals, became, before such date, being a date before 28th May 1948, as may be specified in the rules, civil servants employed in the Post Office ; and

(d) persons who, having been employed by the body known as the Meteorological Committee, became at any time before 28th May 1948 civil servants in the Meteorological Office of the Secretary of State, not being civil servants subject to a superannuation scheme to which section 89 of this Act applies ;

and any such rules may provide for service in any such employment as aforesaid being reckoned, in such manner and to such extent as may be specified in the rules, as service to the State for the purposes of this Act.

1937 c. 68.

1937 c. 69.

1940 c. 14.

(2) Rules made under the foregoing subsection may, in relation to persons of the class specified in paragraph (a) of that subsection who—

(a) at any time before the coming into force of the rules, whether before or after they became civil servants, and whether by reason of their becoming civil servants or for any other reason, received any payment by way of a return of contributions under any enactment, including any scheme made thereunder or in pursuance thereof, relating to the superannuation of officers and servants of local authorities, being contributions in respect of a period of service as an officer or servant of a local authority which was pensionable employment, and

(b) in the case of such payments received before their appointment to be civil servants, did not, before their said appointment, refund the contributions so returned to them,

include provisions requiring those persons to pay into the Exchequer amounts equal to the whole or any part of the contributions so returned to them as a condition of their service as officers or servants of a local authority as aforesaid being reckoned, to the extent specified in the rules, as service to the State for the purposes of this Act.

(3) Rules made by the Treasury under this subsection may make provision to secure that benefits corresponding as nearly as may be to the benefits conferred under subsection (1) of this section on or in respect of the persons specified in paragraph (d) of that subsection are conferred on or in respect of persons who, having been employed by the aforesaid Meteorological Committee, were at any time before 28th May 1948 employed in the civil service in the aforesaid Meteorological Office and became, and thereafter remained, subject to a superannuation scheme to which section 89 of this Act applies.

(4) Section 32(7) shall apply in relation to rules made under any provision of this section as it applies in relation to rules made under that section.

(5) In this section—

“local Act scheme” and “local authority” have, in relation to England and Wales, the same meanings as in the Local Government Superannuation Act 1937, 1937 c. 38. and, in relation to Scotland, the same meanings as in the Local Government Superannuation (Scotland) Act 1937 c. 69. 1937 ;

“pension”, in relation to any person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a lump

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sum or a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto ;

“ pension fund ” means a fund established for the purpose of paying pensions ;

“ pension rights ” includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person ;

“ pensionable employment ” means employment which is relevant in relation to the pension rights of the person employed, and includes all such employment, whether or not for a period sufficient to render him entitled to, or eligible for, the payment of a pension to or in respect of him.

Rules as to former employees of Approved Societies, etc., who became civil servants.

36.—(1) Rules made by the Minister of Pensions and National Insurance, with the consent of the Treasury, may make provision with respect to the pensions payable to and in respect of persons who, having been employed full-time—

(a) by an Approved Society, or

(b) by some other body (including a body of which the Society was a branch or section) administering the affairs of an Approved Society, or

(c) by a body administering a special scheme under section 73 of the Unemployment Insurance Act 1935,

1935 c. 8.

became civil servants before such date as may be specified in the rules.

(2) Any such rules may include provisions—

(a) authorising or requiring persons who have received payments in respect of their pension rights to pay all or any of the amounts received into the Exchequer ; or

(b) continuing, amending, repealing or revoking any pension scheme under which the persons to whom the rules apply have pension rights and any statutory provisions relating thereto and any trust deed, rules or other instrument made for the purposes thereof, and providing for the transfer in whole or in part of any pension funds or assets held for the purposes of, or any liabilities under, any such scheme, or for the winding up of any such scheme, or the extinguishment of any such liabilities ; or

(c) dealing in such manner as may appear appropriate with cases in which, in connection with any provision made by the National Insurance Act 1946 or by the Superannuation (Miscellaneous Provisions) Act 1948, or in anticipation of the making of any such provision, pension rights were created otherwise than in the ordinary course.

1946 c. 67.

1948 c. 33.

(3) Where the persons having pension rights under any pension scheme or interested in any pension fund include both such persons as are mentioned in subsection (1) of this section and other persons in respect of whom the following conditions are fulfilled, that is to say—

- (a) that they had been employed full time by any such society or body as is mentioned in subsection (1) of this section, and
- (b) that they lost that employment, and
- (c) that the loss of employment was directly attributable to the passing of the National Insurance Act 1946, or the making of any regulations thereunder, 1946 c. 67.

rules made under this section may apply in relation to pensions payable to and in respect of those other persons as if they were persons such as are mentioned in the said subsection (1), and may provide for payment out of moneys provided by Parliament in respect of the pension rights of those other persons, so, however, that nothing in this subsection shall be construed as requiring identical provision to be made in relation to persons who fall, and persons who do not fall, within the said subsection (1).

(4) The provisions of this section shall have effect in relation to any persons notwithstanding that provision could have been, or could be, made in relation to those persons under any provision of the Superannuation (Miscellaneous Provisions) Act 1948, other than section 3 thereof, or could be made in relation to them under section 32 or 35 of this Act, and nothing in any provision of the said Act of 1948 or of the said section 32 or 35 shall be construed as limiting the powers exercisable under this section. 1948 c. 33.

(5) Section 32(7) of this Act shall apply in relation to rules made under this section as it applies in relation to rules made under that section, but with the substitution for the reference to the Treasury of a reference to the Minister of Pensions and National Insurance.

(6) In this section—

- “pension”, “pension fund” and “pension rights” have the same meanings respectively as in the last foregoing section;
- “pension scheme” includes any form of arrangements for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;
- “statutory provision” means a provision, whether of a general or special nature, contained in or in any document made or issued under any Act, whether of a general or special nature.

PART I
 Temporary
 service with
 Imperial War
 Graves
 Commission
 before
 October 1934.

37.—(1) Where at some time before 30th September 1934 a person entered the civil service, after having served in a temporary capacity with the Imperial War Graves Commission, his service in a temporary capacity with that Commission before that time, but not before 1st January 1919, may, subject to the provisions of this section, be reckoned for the purposes of this Act as employment in an unestablished capacity.

(2) Where the said Commission paid a gratuity to a person to whom the foregoing subsection applies in respect of his service with the Commission, it shall be a condition of the making of any payment under this Act in respect of that person's service, so far as the amount of that payment is dependent on the provisions of that subsection, that there has been paid to the Exchequer a sum equal to the amount of the said gratuity.

(3) The Treasury may, if they think fit, deduct any amount payable to them under the last foregoing subsection from any allowance or gratuity payable in respect of the person in question under section 3 or 4 of this Act, or any other lump sum payment so payable under this Act, and, where they do so, the person entitled to the lump sum payment shall not be entitled to require any other person to make any contribution towards the deduction borne by him.

Service in civil service preceded or followed by service in other public office or approved employment

Employment
 in more than
 one public
 office.

38.—(1) The Treasury may make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed in more than one public office.

(2) Rules under this section may in particular in relation to such persons—

- (a) modify this Act and any other enactments forming part of the law of the United Kingdom or any part thereof or of the Isle of Man which are for the time being in force and under which pensions are payable in respect of employment in a public office,
- (b) apply the provisions of this Act, with or without modifications, in substitution for any other enactments forming part of the law of the United Kingdom or any part thereof or of the Isle of Man, notwithstanding that this Act is not otherwise applicable in relation to any of those public offices,
- (c) make provisions as to the manner in which any pensions are to be defrayed, and in particular make provision for the payment of a transfer value by one pension authority to another, including the payment of a transfer value out of the Exchequer,

(d) define the kinds of public offices which are to be treated for the purposes of the rules as different public offices, and rules under this section may include such supplemental and incidental provisions as appear to the Treasury to be expedient.

(3) Rules under this section may provide either for separate pensions under the respective enactments relating to the different employments or for a single pension under the enactments relating to the later or latest employment (or by virtue of subsection (2)(b) of this section under this Act) or employ partly the one method and partly the other:

Provided that if the rules provide for separate pensions in relation to different public offices the rules shall not modify this Act or any other enactments so as to include as reckonable service in computing one of the separate pensions service in a public office in respect of which another of those separate pensions is payable.

(4) Rules under this section may be so framed as to apply to persons ceasing to be employed in one public office and becoming employed in another notwithstanding that the cessation of the first employment or the commencement of the second employment was before the date of the making of the rules:

Provided that no rules shall be framed so as to apply when the cessation of the first employment took place before the making of the rules unless the rules are only to apply with the consent of the person ceasing to be employed, or that person is by the rules given an opportunity to elect that they shall not apply to him.

(5) If the application of the rules in force under this section would put a particular individual in a position less advantageous than that in which he would have been if the rules did not apply in relation to him, they shall not be so applied.

(6) In this section "pension", in relation to any person, means a pension of any kind whatsoever payable to or in respect of him, and includes a lump sum or gratuity so payable.

39.—(1) In the last foregoing section references to employment in a public office shall be construed as references to employment of the following kinds, and "public office" shall be construed accordingly,—

Meaning of "public office" and supplementary provisions.

1. Employment in the civil service (whether or not in an established capacity).
2. Employment in any other capacity remunerated out of moneys provided by Parliament or the Consolidated

PART I

Fund or the Post Office Fund or the revenue of the Isle of Man, but not including employment in the armed forces of the Crown.

3. Subject to subsection (5) of this section, employment in the civil service of the Government of Northern Ireland (whether or not in an established capacity).
4. Subject to subsection (5) of this section, employment in any other capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.
5. Employment in the civil service of the government of any colony, or of any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or of any territory consisting partly of one or more colonies and partly of one or more such countries or places.
6. Employment as an officer to whom the Overseas Service Act 1958 applies (if not employment within any of the other paragraphs in this subsection).
7. Employment which is remunerated out of any of the following funds, or out of the revenues of any of the following bodies—

The Agricultural Research Council.

The Church Commissioners.

The Crown Agents for Oversea Governments and Administrations.

The Development Fund.

The Forestry Fund.

The funds of the Branches of the Royal Mint at Melbourne and Perth.

The General Lighthouse Fund.

The Greenwich Hospital Fund.

The land revenues managed by the Crown Estate Commissioners.

The Metropolitan Police Fund.

The Nature Conservancy.

The Overseas Audit Department.

(2) The Treasury may by order—

(a) designate any employment as employment in a public office for the purposes of this section, and

(b) add to, amend or repeal any of the provisions of subsection (1) of this section,

and an order under this subsection—

(i) may include transitional and other supplemental provisions, and

1958 c. 14.

(ii) may vary or revoke a previous order made under this subsection.

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(3) The last foregoing section and this section shall have effect subject to the transitional provisions in paragraphs 10 and 11 of Schedule 10 to this Act.

(4) For the purposes of section 6 of the Government of Ireland Act 1920 (conflict of laws) the last foregoing section and this section shall be deemed to be contained in an Act passed before the day appointed for the purposes of the said section 6.

(5) Rules in force under the last foregoing section shall not apply in relation to any person if the only public offices in which he has been employed have been employments in a capacity remunerated out of moneys provided by the Parliament of Northern Ireland or the Consolidated Fund of Northern Ireland.

(6) Nothing in this or the last foregoing section shall authorise any department of the Government of Northern Ireland to incur any expenses attributable to the provisions of those sections until provision has been made by the Parliament of Northern Ireland for those expenses to be defrayed out of moneys provided by that Parliament.

40.—(1) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department, retires from that employment under conditions which would have entitled him to any superannuation allowance, additional allowance or gratuity had he continued to be employed as a civil servant, and to be so employed in service in the United Kingdom, then, if the head officer of the department in which he was serving at the date of the transfer makes a recommendation to that effect, the Treasury may grant to him such superannuation allowance, additional allowance or gratuity as might have been granted to him if, at the date of the transfer, he had retired from the civil service on the ground of ill-health.

Power to grant allowances to civil servants transferred to approved employment.

In this section “approved employment” means employment, whether within or without Her Majesty’s dominions (not being employment in a public office within the meaning of section 38 of this Act service in which qualifies for the grant of a superannuation allowance), which is recognised by the head officer of the department in which the civil servant was serving at the date of the transfer, and by the Treasury, as being employment to which it is expedient that the provisions of this subsection should apply.

(2) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of

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the head officer of his department, retires from that employment on the ground of age before attaining the age of sixty years and is, on such retirement, qualified for, or entitled to, the benefits of any system of superannuation applicable to the approved employment, the Treasury may either—

- (a) grant to him on his attaining the age of sixty years, such superannuation allowance, additional allowance or gratuity as might be granted to him under subsection (1) of this section, or
- (b) grant to him, within six months after the date of his retirement from the approved employment (if requested by him to do so) such superannuation allowance, additional allowance or gratuity as the Treasury consider to be actuarially equivalent, at the said date, to the superannuation allowance, additional allowance or gratuity, as the case may be, which might be granted to him under the said subsection (1).

(3) The foregoing provisions of this section shall apply to a person who, after being transferred from the civil service to approved employment, is with the consent of the Treasury transferred to one or more subsequent employments recognised by the Treasury as being employments to which it is expedient that the provisions of subsection (1) of this section should apply, subject to the following adaptations, that is to say—

- (a) references to retirement from the approved employment, and to a system of superannuation applicable to the approved employment, shall be construed respectively as references to retirement from the latest employment recognised as aforesaid and to a system of superannuation applicable to that employment, and
- (b) any reference in subsection (1) of this section to the transfer shall be construed as a reference to the transfer from employment as a civil servant.

Power to grant death gratuity in respect of civil servants transferred to approved employment.

41.—(1) Where any person who, on ceasing to be a civil servant, was transferred to approved employment with the consent of the head officer of his department dies while in that employment, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the day before the day of the transfer, after deducting therefrom the total amount of any sums paid or payable, under any system of superannuation applicable to the approved employment, in respect of his death.

(2) Where any person who, after having served as a civil servant for not less than five years, was transferred to approved employment with the consent of the head officer of his department, dies after retiring from that employment in circumstances which qualified him for the grant of a superannuation allowance

and an additional allowance under the last foregoing section, then if—

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- (a) no provision is made, under any system of superannuation applicable to the approved employment, for the grant of pensions to widows or dependants of persons who die after retiring from that employment, and
- (b) the sums paid or payable to him at the time of his death on account of the said superannuation allowance and additional allowance, together with any sums paid or payable to him, his personal representatives and his widow or dependants under such a system of superannuation, are less than the annual amount of salary and emoluments upon which the said superannuation allowance and additional allowance have been computed,

the Treasury may grant to his personal representatives a gratuity equal to the difference.

(3) The foregoing provisions of this section shall apply to any person who, after being transferred from the civil service to approved employment, is with the consent of the Treasury transferred to one or more subsequent employments recognised by the Treasury as being employments to which it is expedient that section 40(1) of this Act should apply, subject to the following adaptations, that is to say,—

- (a) references to dying while in the approved employment, and to a system of superannuation applicable to the approved employment, shall be construed respectively as references to dying while in the latest employment recognised as aforesaid and to a system of superannuation applicable to that employment, and
- (b) the reference in subsection (1) of this section to the transfer shall be construed as a reference to the transfer from employment as a civil servant.

(4) The foregoing provisions of this section shall not apply in relation to any person who was transferred to approved employment before 27th June 1935.

(5) In this section “approved employment” has the same meaning as in the last foregoing section.

42.—(1) The provisions of this Act specified in subsection (3) of this section shall, in relation to persons who, whether before or after they are civil servants, serve in a public office (not in the civil service) within the meaning of section 38 of this Act, or as members of a police force within the meaning of the Police Pensions Act 1948, or in service by virtue of which they are deemed for the purposes of that Act to be members of such a force, or who, having been civil servants, become

Application of certain provisions of Act to persons employed in public office, etc. or approved employment.

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1957 c. 62.

Governors within the meaning of the Governors' Pensions Act 1957, have effect subject to such adaptations and modifications as may be prescribed by rules made by the Treasury; and where rules are made under this subsection, they may contain provisions modifying, in relation to the persons affected by the rules, any other enactment relating to the pensions and other benefits payable to or in respect of them.

(2) The provisions of this Act specified in subsection (3) of this section shall, in relation to persons who, having ceased to be civil servants, are employed in approved employment within the meaning of section 40 of this Act, have effect subject to such adaptations and modifications as may be prescribed by rules made by the Treasury, and rules made under this subsection may contain such provisions for modifying sections 40 and 41 of this Act as appear to the Treasury to be equitable having regard to the provisions of this Act specified in the said subsection (3), as modified by rules made under this subsection.

(3) The provisions of this Act referred to in subsections (1) and (2) of this section are sections 5, 6, 7, 10, 13 (except subsection (4)), 15(1) to (5), 16, 17, 18, 20(1), 21(2), 22, 23, 25, 26, 29, 43, 44 and 45(1), Parts III and IV, sections 83 to 88, 91, 94, 98(2) and (3) and 99 and paragraph 3 of Schedule 3.

Allocation of part of superannuation benefits to dependants and spouses

Allocation
of part of
superannua-
tion benefits
to dependants.

43.—(1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retiring officer, that is to say, a person of such a class as may be so specified to whom any superannuation allowance or any annual compensation or retiring allowance is granted under this Act, otherwise than on retirement (from the civil service or other employment) on the ground of ill-health, shall be allowed to surrender, as from the beginning of the period in respect of which the allowance is paid, in return for the benefits of the rules such part, not exceeding one-third, of any superannuation allowance or any annual compensation or retiring allowance which the Treasury may grant to him under this Act, as may be specified in the rules, and for enabling the Treasury to grant either to the wife or husband, as the case may be, or to a dependant, of the retiring officer a pension of such value as, according to tables to be prepared from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the allowance which is surrendered.

Rules under this section may define classes of persons for the purposes of the section by reference to the age which they have attained at a specified date.

(2) Any such pension as aforesaid for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable in respect of the period, if any, for which the dependant survives the retiring officer, and any such pension as aforesaid for the benefit of the spouse of a retiring officer shall, according as the retiring officer may, in conformity with the rules under this section, elect, be payable either—

- (a) in respect of the period, if any, for which the spouse survives the retiring officer, or
- (b) in respect both of the period of their joint lives after the beginning of the period in respect of which the allowance granted to the retiring officer is paid and of the period, if any, for which the spouse survives the retiring officer ;

and the rules may provide that a pension payable thereunder in respect of the periods mentioned in paragraph (b) of this subsection shall be paid at one rate in respect of the first of those periods and at a higher rate in respect of the second.

(3) For the purposes of the references in subsections (1) and (2) of this section to the beginning of the period in respect of which an allowance is paid, any suspension of a pension under section 12 of this Act shall be disregarded.

(4) If any person has, in accordance with rules under this section, surrendered part of a superannuation allowance, then, for the purpose of calculating the amount of any gratuity which may be granted to his personal representatives under section 4(2) of this Act, the sums paid or payable to him at the time of his death on account of such superannuation allowance shall be deemed to be the sums which would have been so paid or payable but for the surrender; and if any person has, in accordance with rules under this section, surrendered part of a superannuation or compensation allowance, then, for the purpose of determining whether any, and if so, what, amount may be paid to him under section 12 of this Act by way of such allowance in respect of any period during which, after retiring, he is employed in a public department, the profits of the office from which he retired shall be treated as reduced by the amount surrendered by him as aforesaid.

44.—(1) The Treasury may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retired civil servant under seventy years of age who has married since his retirement shall be allowed to surrender, as from the date of his marriage, in return for the benefits of the rules, such part of any superannuation allowance or any annual compensation or retiring allowance granted or to be granted to

Power of certain retired civil servants to allocate part of their superannuation benefits to their spouses.

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him as may be specified in the rules and for enabling the Treasury to grant to his spouse a pension of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent, at the said date, to the value of that part of the superannuation, compensation or retiring allowance which is surrendered:

Provided that the part of any allowance surrendered by a person under this section, together with any part thereof surrendered under the last foregoing section, shall not exceed one-third of the allowance.

(2) This section shall not apply where the retirement of the civil servant was on the ground of ill-health.

(3) Subsections (2) and (4) of the last foregoing section, so far as they apply to surrenders made for the benefit of spouses and pensions granted to spouses, shall apply also to surrenders under this section and pensions granted by virtue thereof, but as if any references to the beginning of the period in respect of which an allowance granted to a retiring officer is paid and to the date of retirement were references to the date of the marriage.

PART II

SPECIAL PROVISIONS APPLICABLE TO CERTAIN MEMBERS OF THE DIPLOMATIC SERVICE WITH RESPECT TO SUPERANNUATION BENEFITS

Termination of service of certain members of the diplomatic service before retiring age.

45.—(1) Section 10 of this Act shall not apply to a civil servant who is, or to a person who, when he was last a civil servant, was, a member of Her Majesty's diplomatic service.

(2) If—

- (a) the employment in Her Majesty's diplomatic service of a member thereof is terminated before the retiring age, and
- (b) the Secretary of State certifies that the termination of his employment is desirable in the public interest, having regard to his qualifications and the conditions existing in the service,

then, subject to subsection (3) of this section, a superannuation allowance and an additional allowance of the amount hereinafter provided may be granted to him notwithstanding section 1(1)(b) of this Act:

Provided that nothing in this section shall alter so much of the said section 1 as requires a service of ten years before a superannuation allowance can be granted.

(3) If the member of the diplomatic service whose employment is terminated is not an officer of any of the grades 1

to 8 and, at the termination of his employment, he was offered comparable employment as a civil servant in the United Kingdom, and not in the diplomatic service, then, unless the Treasury otherwise determine on compassionate grounds, no superannuation allowance or additional allowance shall be granted to him by virtue of this section before he attains the age which would have been the retiring age for him if he had continued to serve as a civil servant, and had so continued in service in the United Kingdom.

(4) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the last foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.

(5) The amount of any superannuation allowance or additional allowance granted by virtue of this section shall be such amount as could have been granted to the member in question by way of that allowance under this Act apart from section 1(1)(b) thereof, together with such additional amount, if any, by way of special increase as may appear to the Treasury on the recommendation of the Secretary of State to be reasonable having regard to all the circumstances subject, however, to the following provisions of this section.

(6) Any such special increase added to the superannuation allowance or additional allowance—

(a) shall not be such as to bring the amount of that allowance up to an amount higher than that which could have been granted apart from any such increase if at the date of the termination of the employment of the member in question he had completed such reckonable service not exceeding forty years as he would have completed if he had continued in reckonable service in the same employment until he attained the age of sixty years; and

(b) shall not exceed whichever is the higher of the following sums, that is to say,—

(i) a sum equal, in the case of the superannuation allowance, to one-twelfth or, in the case of the additional allowance, to three-twelfths of the amount of the salary and emoluments on which the superannuation allowance falls to be computed;

(ii) such sum as may be required to make that allowance equal, in the case of the superannuation allowance, to three-twelfths or, in the case of the

PART II

additional allowance, to nine-twelfths of the salary and emoluments aforesaid:

1935 c. 23.

Provided that, for the purposes of any special increase added to the additional allowance granted to a person to whom immediately before the commencement of this Act section 4 of the Superannuation Act 1935 did not apply, other than a person to whom Part III of this Act becomes applicable or a person who duly makes a nomination within the meaning of Part IV of this Act, paragraph (a) of this subsection shall have effect as if for the reference therein to forty years there were substituted a reference to forty-five years.

(7) If no special increase in respect of an additional allowance is payable to a person under subsection (5) of this section because that person is not eligible for an additional allowance, subsection (6)(b) of this section shall have effect, in relation to that person, as if in sub-paragraph (i) for the words "one-twelfth" there were substituted the words "one-tenth" and in sub-paragraph (ii) for the words "three-twelfths" there were substituted the words "three-tenths".

(8) Where in consequence of the grant to any person by virtue of this section of a superannuation allowance a pension may fall to be granted under Part III of this Act, to the widow, or under Part IV thereof, to a dependant, of that person and a special increase is added to that allowance, any amount which apart from this subsection would have been added to the additional allowance by way of special increase shall be abated—

- (a) where such a pension to that person's widow may fall to be granted by one-third, and
- (b) in respect of each nomination by that person under the said Part IV, by an amount equal to four-fifteenths of the appropriate percentage of the amount of the increase apart from this subsection.

(9) In this section "the appropriate percentage", in relation to any nomination under Part IV of this Act, means the percentage determined in accordance with section 66(4) of this Act to be the appropriate percentage for the purpose of a contribution in respect of that nomination under section 69 thereof.

46.—(1) If the employment of a member of Her Majesty's diplomatic service who has not attained the age of fifty years is terminated at his request, and when his employment is so terminated—

- (a) his reckonable service is not less than twenty years, and
- (b) his actual service as a civil servant in countries or places outside the United Kingdom is not less than eight years,

Superannuation benefits in cases of voluntary retirement from diplomatic service before attaining age of 50.

the same superannuation allowance and additional allowance, if any, may be granted to him as might have been granted to him if he had retired on a medical certificate:

Provided that, unless the Treasury otherwise determine on compassionate grounds, no such allowance shall be granted to a person by virtue of this subsection before he attains the age which would have been the retiring age for him if he had continued to serve as a civil servant but had so continued in service in the United Kingdom.

(2) Where a person who would have been eligible for the grant of a superannuation allowance but for the operation of the proviso to the foregoing subsection dies without any such allowance being granted to him, the Treasury may grant to his personal representatives such gratuity, if any, as might have been granted to them if he had died on the last day on which he was employed as a civil servant.

(3) For the purposes of subsection (1)(b) of this section—

- (a) service in an unestablished capacity in the civil service in countries or places outside the United Kingdom which could be taken into account in computing the amount of any superannuation allowance shall be taken into account as if it were service as a civil servant,
- (b) the Treasury may disregard all or any part of the service of a person who was residing outside the United Kingdom when he first entered the civil service,
- (c) the provisions of sections 24 and 25(2) of this Act shall be disregarded, and
- (d) subject to paragraph (a) of this subsection, service which, though deemed for pension purposes to be service as a civil servant, is not actual service as a civil servant shall be disregarded.

47.—(1) If the employment of a member of the Secretarial Branch of Her Majesty's diplomatic service who has attained the age of thirty-five years is terminated at his request, and that person is not eligible for a superannuation allowance or additional allowance, the Treasury may, subject to the following provisions of this section, grant a gratuity to him under this section.

Voluntary retirement from Secretarial Branch of diplomatic service after attaining age of 35.

(2) Unless the Treasury otherwise determine on compassionate grounds, no gratuity shall be granted under this section to a person who was, at his retirement, offered a transfer to comparable employment as a civil servant in the United Kingdom, and not in the diplomatic service.

PART II

(3) The Treasury may by rules under this section—

- (a) prescribe the amount of the gratuity payable under this section, and provide for that amount to be different in different circumstances,
- (b) impose conditions to be satisfied before a gratuity is payable under this section.

References to grades of diplomatic service may be modified, etc.

48.—(1) If there is any re-organisation of the grades of Her Majesty's diplomatic service, the Secretary of State may by order make such modifications of references in the foregoing provisions of this Part of this Act to those grades (including the references in section 47 of this Act to the Secretarial Branch) as appear to him expedient having regard to the nature of the re-organisation; and if any question arises whether a person at any time was a member of Her Majesty's diplomatic service, or of the Secretarial Branch or of any other grade or grades, that question shall be determined by the Secretary of State, and his decision shall be final.

(2) If any question arises under section 45 or section 47 of this Act whether a person has at his retirement been offered a transfer to comparable employment in the United Kingdom that question shall be determined by the Treasury after consultation with the Secretary of State, and the decision of the Treasury thereon shall be final.

PART III

PENSIONS TO WIDOWS, CHILDREN, ETC.

Pensions under Part III

Power to grant widows' and children's pensions.

49. Subject to the provisions of this Act, the Treasury may, on the death of a male person to whom this Part of this Act applies (hereafter in this Part of this Act referred to as "the deceased"), grant, in respect of his service—

- (a) where he leaves a widow, a pension to that widow (hereafter in this Part of this Act referred to as a "widow's pension"); and
- (b) where he had a wife at any time after this Part of this Act first applied to him (whether or not the marriage continued until his death and whether or not a widow's pension is or can be granted), a pension for the benefit of the children of the marriage, and, in certain circumstances, of other children of his or hers (hereafter in this Part of this Act referred to as a "children's pension"):

Provided that any marriage of the deceased which takes place after he has ceased to be a civil servant shall be left out of

account for the purposes of this Part of this Act, and any reference in this Part of this Act to a marriage, a wife, the widow or the children of the deceased shall be construed accordingly.

PART III

50.—(1) A pension shall not be granted under this Part of this Act unless—

Pensions under Part III to depend on deceased's superannuation allowance.

- (a) the deceased had become eligible for the grant of a superannuation allowance (whether such an allowance had actually been granted or not) ; or
- (b) the deceased was still serving as a civil servant at the time of his death and would, if he had then retired on a medical certificate, have been eligible for the grant of a superannuation allowance ; or
- (c) the deceased had ceased to be a civil servant in such circumstances that, on attaining a particular age, he would or might have become eligible for a superannuation allowance by virtue of section 7(1) of this Act.

(2) In this Part of this Act, the expression “the rate of the superannuation allowance of the deceased” means the annual rate of the superannuation allowance mentioned in subsection (1) of this section for which the deceased had become eligible (whether such an allowance at that or any other rate had actually been granted or not), or, as the case may be, for which he would or might have become eligible, any abatements falling to be made under regulations made under section 110(1) of the National Insurance Act 1965 being left out of account. 1965 c. 51.

51.—(1) A widow's pension shall not be granted if—

Widows' pensions.

- (a) the widow was at the time of the death cohabiting with a person other than the deceased ; or
- (b) after the death the widow remarries or cohabits with any person ;

and if, after the grant of a widow's pension, the widow remarries or cohabits with any person, the pension shall cease as from the date of the remarriage or the commencement of the cohabitation :

Provided that where—

- (i) a pension is withheld or ceases under this section ; and
- (ii) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of pension notwithstanding the marriage,

the Treasury may, if they think fit, grant or regrant the pension as from that date.

(2) Subject to the provisions of subsection (1) of this section, a widow's pension may be paid in respect of the whole period from the death of the deceased to the death of the widow.

PART III

(3) The annual rate of a widow's pension may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher.

Children's
pensions:
beneficiaries.

52.—(1) A children's pension may be granted if, and be paid so long as and whenever, there are persons for whose benefit it can enure.

(2) Subject to the provisions of this section and to the provisions of Schedule 5 to this Act, the persons for whose benefit a children's pension can enure are the children of the deceased or of any wife of his who are for the time being in their period of childhood and full-time education.

(3) A children's pension cannot enure for the benefit of any person conceived after the deceased ceased to be a civil servant.

(4) A children's pension cannot enure for the benefit of any person by reason that he is the illegitimate or adopted child of the deceased, if he was born, or, as the case may be, adopted, after the termination of the deceased's last marriage or after the deceased had ceased to be a civil servant:

Provided that if the Treasury are satisfied that the child was before the termination of the deceased's last marriage, or, as the case may be, before the deceased had ceased to be a civil servant, wholly or mainly dependent on the deceased and that the deceased had already formed the intention of adopting the child, the Treasury may direct that the foregoing provision shall not apply to the child.

(5) A children's pension cannot enure for the benefit of any person by reason that he is the child of a wife of the deceased, if he was born or became her child after the termination of the marriage or after the deceased had ceased to be a civil servant:

Provided that if the Treasury are satisfied that the child was before the termination of the marriage, or, as the case may be, before the deceased had ceased to be a civil servant, wholly or mainly dependent on the deceased, that the wife and the deceased had together formed the intention of adopting the child, and that, but for the deceased's death, the deceased would have adopted the child, the Treasury may direct that the foregoing provision shall not apply to the child.

(6) A children's pension cannot enure for the benefit of any person by reason that—

(a) he is the illegitimate child of the deceased ; or

(b) he is a stepchild of the deceased and a child of a wife of his ; or

(c) he is the stepchild, adopted child or illegitimate child of a wife of the deceased,

unless he was wholly or mainly dependent on the deceased at the time of his death.

(7) A children's pension cannot enure for the benefit of a female person who at the time of the death of the deceased was married or was cohabiting with any person, and if, after the death of the deceased, a female person marries or cohabits with any person, she shall thereupon cease to be a person for whose benefit a children's pension can enure :

Provided that where—

- (a) a pension is withheld from or does not enure for the benefit of a person by virtue of this subsection ; and
- (b) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for permitting the pension to enure for her benefit notwithstanding the marriage,

the Treasury may, if they think fit, grant the pension, or, as the case may be, permit the pension to enure for her benefit, as from that date.

(8) A children's pension cannot enure for the benefit of a person who is the subject of a nomination made by the deceased under Part IV of this Act which is still in force.

53.—(1) Only one children's pension shall be granted in respect of the service of any one person, but—

Children's pensions: rate and mode of payment.

- (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure ; and
- (b) it shall be paid to such person or persons as the Treasury may from time to time direct, and different parts thereof may be directed to be paid to different persons ; and
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Treasury may from time to time direct.

(2) Where the deceased leaves no widow, and, if he leaves a widow, after her death, the annual rate of a children's pension—

- (a) while the persons for whose benefit it can enure are three or more in number, may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher ;

PART III

- (b) while the said persons are two in number, may amount to one-quarter of the rate of the superannuation allowance of the deceased, or to £19 and 10s. per annum, whichever is the higher ;
- (c) while there is only one such person, may amount to one-sixth of the rate of the superannuation allowance of the deceased or to £13 per annum, whichever is the higher.

(3) Subject to the provisions of the next following subsection, where the deceased leaves a widow, the annual rate of a children's pension during her life—

- (a) while the persons for whose benefit it can enure are four or more in number, may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher ;
- (b) while the said persons are three in number, may amount to one-quarter of the rate of the superannuation allowance of the deceased, or to £19 and 10s. per annum, whichever is the higher ;
- (c) while the said persons are two in number, may amount to one-sixth of the rate of the superannuation allowance of the deceased, or to £13 per annum, whichever is the higher ;
- (d) while there is only one such person, may amount to one-twelfth of the rate of the superannuation allowance of the deceased or to £6 and 10s. per annum, whichever is the higher :

Provided that—

- (i) where all the persons for whose benefit a children's pension can enure were at the time of the death of the deceased in the care of some person other than the widow, the Treasury may, if they think fit, direct that subsection (2) of this section shall apply notwithstanding that the widow is still alive ; and
- (ii) where some but not all of those persons were at that time in the care of some person other than the widow, the annual rate of the children's pension may, if the Treasury think fit, amount to the sum of the rate to which it might have amounted if those persons were left out of account and the rate to which it might have amounted if the widow were dead and the other persons were left out of account, so, however, that in no case shall the annual rate of the pension amount to more than either one-third of the rate of the superannuation allowance of the deceased or £26 per annum, whichever is the higher.

(4) Notwithstanding anything in the foregoing provisions of this section, where the deceased leaves a widow and no widow's pension is granted to her or, if one is granted to her, it ceases to be paid before her death, no children's pension shall be payable as respects any period comprised within the life-time of the widow or within the time in respect of which no widow's pension is payable, as the case may be, unless the Treasury specially direct that such a pension shall be so payable, but, if the Treasury do specially so direct, they may, if they think fit, further direct that subsection (2) of this section shall apply as respects any such period notwithstanding that the widow is alive.

Contributions under Part III

54. The provisions of the three next following sections shall have effect for the purpose of securing that part of the cost of the pensions payable under this Part of this Act is borne by contributions by persons to whom this Part of this Act applies.

Duty to pay contributions under Part III.

55.—(1) At the time when this Part of this Act first applies to a person or within six months thereafter, he shall elect whether or not to make contributions under this section.

Periodical contributions under Part III.

(2) Where a person who has no wife when this Part of this Act first applies to him marries or first marries thereafter, he shall, unless he has previously elected under subsection (1) of this section to make contributions under this section, again elect, at the time of his marriage or within six months thereafter, whether or not to make such contributions.

(3) Contributions by a person under this section—

- (a) shall be equal to one and a quarter per cent. of the amount of the salary from time to time payable to him, exclusive of allowances and payments for overtime;
- (b) shall be payable in respect of his salary from the date as from which his election to pay the contributions becomes effective until he ceases to be a civil servant; and
- (c) shall be paid at such times and in such manner as the Treasury may determine.

An election by a person under subsection (1) of this section shall be effective as from the date when this Part of this Act first applies to him and an election by a person under subsection (2) of this section shall be effective as from the date when he marries or first marries thereafter.

(4) Contributions under this section are hereafter in this Part of this Act referred to as "periodical contributions".

PART III

Return of
periodical
contributions
under Part III.

56.—(1) If—

- (a) when a person who had made periodical contributions ceases to be a civil servant, it appears that he has had no wife throughout the period for which this Part of this Act applied to him ; or
- (b) a person who has made periodical contributions ceases to be a civil servant under such circumstances that he is not eligible for the grant of a superannuation allowance and will not become eligible therefor on attaining a particular age,

the whole of his periodical contributions may be returned to him.

(2) In any other case where a person ceases to be a civil servant after making periodical contributions, there may be returned to him such of those contributions, if any, beginning with the last of them, as is necessary in order to secure that the period in respect of which such contributions are paid by him without being returned—

- (a) is an exact number of years ; and
- (b) does not extend beyond the date on which his reckonable service amounted to forty years ; and
- (c) if he has no wife when he ceases to be a civil servant, does not extend beyond the date on which he last had a wife.

(3) Where any contributions are returned under this section, they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

Contribution
under Part III
by reduction
in additional
allowances
and death
gratuities.

57.—(1) Subject to the provisions of this section, where an additional allowance or a gratuity under section 4 of this Act becomes payable to or in respect of a person to whom this Part of this Act applies, a contribution under this section shall be made in respect of him, taking the form of a reduction in the amount of the allowance or gratuity.

(2) A contribution shall not be made under this section where the civil servant has no wife when he ceases to be a civil servant and has had no wife throughout the period for which this Part of this Act applied to him, or where the number of relevant years, as defined in subsection (4) of this section, is nil.

(3) Where subsection (2) of this section does not apply, the contribution shall be equal to one-eightieth of the average annual amount of the salary and emoluments of the civil servant's office during the last three years of his service, multiplied by the number of relevant years as defined in subsection (4) of this section.

(4) In this section "the number of relevant years" means—

PART III

- (a) if the civil servant has a wife when he ceases to be a civil servant, the number of completed years of reckonable service which he then has ;
- (b) if the civil servant has no wife when he ceases to be a civil servant, the number of completed years of reckonable service which he had when he last had a wife before that date,

reduced, in each case, by the number of years, if any, for which periodical contributions have been made by him and are not returnable.

(5) Service after forty years of reckonable service shall be left out of account for the purposes of this section.

(6) Any reduction effected or to be effected under this section in the amount of any additional allowance shall be left out of account for the purposes of section 4(2) of this Act and, accordingly, the question whether any and if so what gratuity may be granted under that subsection shall be determined as if no such reduction as aforesaid had been or had to be made.

Application of Part III

58.—(1) Subject to the provisions of this section, this Part of this Act shall apply to all male persons who were civil servants on 14th July 1949 or who thereafter became or become civil servants. Application of Part III to male civil servants.

(2) This Part of this Act shall not apply to a person to whom, by virtue of any election made under any provision of section 10 of the Superannuation Act 1949, Part I of that Act did not at the commencement of this Act apply and was deemed never to have applied, unless he gives notice under subsection (5) of this section cancelling that election. 1949 c. 44.

(3) A male person who was a civil servant on 14th July 1949 and who had then no wife and did not marry or first marry after that date and before the commencement of this Act may, within the six months next following the date on which he marries or first marries after the said commencement, elect that this Part of this Act shall not apply and shall be deemed never to have applied to him :

Provided that a person shall not make an election under this subsection if he has already elected to make periodical contributions.

PART III

(4) Where—

- (a) a person who was on 14th July 1949 employed in an unestablished capacity or part-time service becomes a civil servant after the commencement of this Act, and
- (b) any of his service in that employment is reckonable service, whether as to the whole or any part thereof,

that person may—

- (i) within six months after the date when he becomes a civil servant, if he has then a wife, or
- (ii) within six months after the date on which he marries or first marries after the date when he becomes a civil servant, if at the latter date he has no wife,

elect that this Part of this Act shall not apply and shall be deemed never to have applied to him :

Provided that a person shall not make an election under paragraph (ii) of this subsection if he has already elected to make periodical contributions.

(5) Where—

- (a) a person has elected under section 10 of the Superannuation Act 1949 that Part I of that Act shall not apply and shall be deemed never to have applied to him or has elected under this section that this Part of this Act shall not apply and shall be deemed never to have applied to him, and

- (b) his marriage comes to an end, and

- (c) he again marries,

he may, before the expiration of six months from the date of the marriage referred to in paragraph (c) of this subsection, give a notice cancelling that election.

1949 c. 44.

Application of Part III with modifications to women.

59.—(1) A woman civil servant who has a husband may, on proof to the satisfaction of the Treasury that her husband is wholly or mainly dependent on her, elect that this Part of this Act shall apply to her.

(2) Where this Part of this Act applies to a woman by reason of an election under this section, all the provisions of this Part of this Act shall apply in relation to her as if references therein to a male person who is or was a civil servant included references to her, and as if any reference to the wife or widow of such a person included a reference to her husband or her widower :

Provided that—

- (a) where she leaves a widower, the Treasury may, if they think fit, direct that section 53(2) of this Act shall

apply to any children's pension payable in respect of her service to the exclusion of section 53(3) thereof, notwithstanding that some or all of the persons for whose benefit the pension can enure were not at the time of her death in the care of some person other than the widower ; and

PART III

- (b) if her husband dies and she remarries, the subsequent marriage and the children thereof shall be left out of account for all the purposes of this Part of this Act unless she proves to the satisfaction of the Treasury, at some time while she is still a civil servant, that her husband by that marriage is wholly or mainly dependent on her.

Miscellaneous

60. The provisions of this Part of this Act shall, in relation to persons to whom section 6 of this Act applies, and the provisions of this Part of this Act shall, in relation to persons to whom section 13 of this Act applies, subject to the provisions of Part I of Schedule 6 to this Act, and the provisions of this Part of this Act shall, in relation to persons to whom section 13 of this Act applies, have effect subject to the provisions of Part II of that Schedule.

Modification of Part III in relation to persons to whom s. 6 or s. 13 applies.

61. The fact that this Part of this Act applies to a person shall not affect his rights under section 43 of this Act, and the pensions payable under this Part of this Act in respect of the service of a person shall be calculated as if any surrender under that section of a part of a superannuation allowance had not been made.

Saving for allocations under s. 43.

PART IV

DEPENDANTS' PENSIONS

Pensions under Part IV

62.—(1) Subject to the provisions of this Part of this Act, a person who is a civil servant may, at any time before he ceases to be a civil servant, nominate another person who satisfies the conditions in that behalf specified in this Part of this Act as to relationship, dependence and otherwise, as a person to whom or for whose benefit a pension may be granted under this Part of this Act after the nominator's death, and, subject as aforesaid, the Treasury may, after the death of the nominator and if the nomination is still in force, grant a pension accordingly to or for the benefit of the person nominated.

Power to grant pensions to nominated dependants of civil servants.

(2) Pensions under this Part of this Act shall be either—

- (a) pensions which may continue for the life of the grantee (in this Part of this Act referred to as " life pensions ");
- or

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(b) pensions which (subject to the provisions of Schedule 5 to this Act) may be paid only while the persons for whose benefit they are granted are still in their period of childhood and full-time education (in this Part of this Act referred to as "pensions of limited duration").

(3) In this Part of this Act, "nomination" means such a nomination as is referred to in subsection (1) of this section, and "nominate", "nominator" and "nominee" shall be construed accordingly:

Provided that, except where the context otherwise requires, "nominee" does not include a nominee under a nomination which has ceased to be in force.

Pensions
under Part IV
to depend on
nominator's
superannua-
tion
allowance.

63.—(1) A pension shall not be granted under this Part of this Act unless—

- (a) the nominator had become eligible for the grant of a superannuation allowance (whether such an allowance had actually been granted or not); or
- (b) the nominator was still serving as a civil servant at the time of his death and would, if he had then retired on a medical certificate, have been eligible for the grant of a superannuation allowance; or
- (c) the nominator had ceased to be a civil servant in such circumstances that, on attaining a particular age, he would or might have become eligible for a superannuation allowance by virtue of section 7(1) of this Act.

(2) In this Part of this Act "the rate of the superannuation allowance of the nominator" means the annual rate of the superannuation allowance mentioned in subsection (1) of this section for which the nominator had become eligible (whether such an allowance at that or any other rate had actually been granted or not) or, as the case may be, for which he would or might have become eligible, any abatements falling to be made under regulations made under section 110(1) of the National Insurance Act 1965 being left out of account.

1965 c. 51.

Life pensions.

64.—(1) A life pension may be granted to a nominee who was nominated after the end of his period of childhood and full-time education.

(2) A life pension may be paid in respect of the whole period from the death of the nominator until the death of the nominee.

(3) Notwithstanding anything in the foregoing provisions of this section, a life pension shall not be granted to a female nominee if either—

- (a) at the time of the death of the nominator, she is married ;
- or

(b) at or after the time of the death of the nominator, she **PART IV**
cohabits with any person,

and if, after the granting of a life pension to a female nominee, she marries or cohabits with any person, the pension shall cease as from the date of the marriage or the commencement of the cohabitation :

Provided that where—

- (i) a pension is withheld or ceases under this section ; and
- (ii) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of pension notwithstanding the marriage,

the Treasury may, if they think fit, grant or regrant the pension as from that date.

(4) The annual rate of a life pension may amount to one-third of the rate of the superannuation allowance of the nominator or to £26 per annum, whichever is the higher.

65.—(1) A pension of limited duration may be granted if, **Pensions of limited duration.** and be paid so long as and whenever, there are nominees for whose benefit it can enure, and, subject to the provisions of this section and to the provisions of Schedule 5 to this Act, the nominees for whose benefit such a pension can enure are nominees who are for the time being in their period of childhood and full-time education.

(2) Only one pension of limited duration shall be granted in respect of the nominations of any one person but—

- (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure ; and
- (b) it shall be paid to such person or persons as the Treasury may from time to time direct, and different parts thereof may be directed to be paid to different persons ; and
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Treasury may from time to time direct.

(3) The annual rate of a pension of limited duration—

- (a) while the persons for whose benefit it can enure are three or more in number, may amount to one-third of the rate of the superannuation allowance of the nominator or to £26 per annum, whichever is the higher ;

PART IV

- (b) while the said persons are two in number, may amount to one-quarter of the rate of the superannuation allowance of the nominator, or to £19 and 10s. per annum, whichever is the higher ;
- (c) while there is only one such person, may amount to one-sixth of the rate of the superannuation allowance of the nominator or to £13 per annum, whichever is the higher.

(4) A pension of limited duration cannot enure for the benefit of a female nominee who at the time of the death of the nominator was married or was cohabiting with any person, and, if, after the death of the nominator, a female nominee marries or cohabits with any person, she shall cease to be a person for whose benefit a pension of limited duration can enure :

Provided that where—

- (a) such a pension as aforesaid is withheld from or does not enure for the benefit of a nominee by virtue of this subsection, and
- (b) the Treasury are satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for permitting the pension to enure for her benefit notwithstanding the marriage,

the Treasury may, if they think fit, grant the pension, or, as the case may be, permit the pension to enure for her benefit, as from that date.

Contributions under Part IV

Duty to pay contributions under Part IV.

66.—(1) Where a person makes a nomination, contributions shall be made by him in accordance with this and the three next following sections in respect of that nomination, at rates ascertained by reference to tables to be prepared from time to time by the Government Actuary.

(2) The said tables shall classify nominations according to the ages and sexes of the nominator and the nominee and according to whether or not the nominee is presumptively eligible for a life pension, and shall, in relation to each of the two kinds of contribution provided for by the three next following sections, fix a rate of contribution (expressed as a percentage) for each class of nomination ; and those rates shall be fixed with a view to securing that, as nearly as may be, the value of the contributions payable in respect of each class of nomination is equivalent to half the burden of the pensions payable under this Part of this Act by reason of nominations of that class.

(3) It shall be assumed, in preparing the said tables, that no nominator will ever make more than one nomination, and where two or more nominations (being nominations where the nominee

is not presumptively eligible for a life pension) are in force at the same time, the contributions to be made in respect of the second nomination and the third nomination, if any, shall be at half the rate specified in the tables:

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Provided that where two or more nominations are made on the same day, the one with the youngest nominee shall be deemed for the purpose of this subsection to be made first, and so on.

(4) In this Part of this Act "the appropriate percentage" means, in relation to the contributions of any kind payable in respect of a nomination of any class, the percentage or, as the case may be, half the percentage, which, in the tables prepared under this section which are in force at the date of the nomination, is expressed to be the rate for contributions of that kind in respect of nominations of that class.

67.—(1) When a person makes a nomination, he shall elect whether or not to make contributions under this section in respect of it. Periodical contributions under Part IV.

(2) Contributions by a person under this section—

(a) shall be equal to the appropriate percentage of the amount of the salary from time to time payable to him, exclusive of allowances and payments for over-time;

(b) shall be payable in respect of his salary from the date of the nomination—

(i) until he ceases to be a civil servant, or

(ii) if the nomination becomes void before he ceases to be a civil servant, until the nominator gives notice to the Treasury of the avoidance of the nomination or, as the case may be, of the event causing it to be void, or

(iii) if the nomination was made during the nominee's period of childhood and full-time education, until the nominee attains the age of sixteen years,

whichever first occurs;

(c) shall be paid at such times and in such manner as the Treasury may determine:

Provided that the Treasury may, if in all the circumstances they think fit so to do, direct, in relation to a nomination which becomes void before the nominator ceases to be a civil servant, that contributions shall not be payable in respect of the salary of the nominator after the date on which the nomination becomes void.

(3) Contributions under this section are hereafter in this Part of this Act referred to as "periodical contributions".

PART IV
Return of
periodical
contributions
under Part IV.

68.—(1) If a person who has made periodical contributions in respect of a nomination ceases to be a civil servant under such circumstances that he is not eligible for the grant of a superannuation allowance and will not become eligible therefor on attaining a particular age, the whole of his periodical contributions in respect of that nomination may be returned to him.

(2) In any other case where a person ceases to be a civil servant after making periodical contributions in respect of a nomination, there may be returned to him such of those contributions, if any, beginning with the last of them, as is necessary in order to secure that the period in respect of which such contributions are paid by him without being returned—

(a) is an exact number of years ; and

(b) does not extend beyond the date on which his reckonable service amounted to forty years.

(3) Where any contributions are returned under this section, they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

Contribution
under Part IV
by reduction
in additional
allowances
and death
gratuities.

69.—(1) Subject to the provisions of this section, where an additional allowance or a gratuity under section 4 of this Act becomes payable to or in respect of a person who has made a nomination, a contribution under this section shall be made in respect of that nomination, taking the form of a reduction in the amount of the allowance or gratuity.

(2) A contribution shall not be made under this section in respect of a nomination where the number of relevant years, as defined in subsection (4) of this section, is nil.

(3) Where subsection (2) of this section does not apply, the contribution shall be equal to the appropriate percentage of the average annual amount of the salary and emoluments of the nominator's office during the last three years of his service, multiplied by the number of relevant years, as defined in subsection (4) of this section.

(4) In this section "the number of relevant years" means the number of completed years of reckonable service which the nominator has on whichever of the following dates first occurs, that is to say—

(a) the date when the nominator ceases to be a civil servant ; or

(b) if the nomination became void before the nominator ceased to be a civil servant, the date when the nominator gives notice to the Treasury of the avoidance of the nomination or, as the case may be, of the event by reason of which the nomination became void ; or

(c) if the nomination was made during the nominee's period of childhood and full-time education, the date when the nominee attains the age of sixteen years,

reduced, in each case, by the number of years, if any, for which periodical contributions have been made by him in respect of the nomination and are not returnable.

(5) Service after forty years of reckonable service shall be left out of account for the purposes of this section.

(6) Where a nomination becomes void before the nominator ceases to be a civil servant, otherwise than by revocation, the Treasury may, if in all the circumstances they think fit so to do, direct that this section shall have effect in relation to it as if references to the date when it became void were substituted for references to the date when the nominator gave notice to the Treasury of the avoiding thereof or, as the case may be, of the event by reason of which it became void.

(7) Any reduction effected or to be effected under this section in the amount of any additional allowance shall be left out of account for the purposes of section 4(2) of this Act, and, accordingly, the question whether any and if so what gratuity may be granted under that subsection shall be determined as if no such reduction as aforesaid had been or had to be made.

Limitations on right to nominate, avoidance of nominations, etc.

70.—(1) A nominee must be the mother or father of the nominator, a sister, brother or child of the nominator, a child of a deceased sister or deceased brother of the nominator or a child of a deceased child of the nominator.

Nominees must be related to and dependent on the nominator.

(2) A nominee must at the date of the nomination, and at all times thereafter until the nominator ceases to be a civil servant, be wholly or mainly dependent on the nominator.

(3) In their nominations, persons shall give preference to their children over their other dependants and accordingly a person who has a child who might be, but is not, a nominee of his, shall not have any nominee who is not a child of his.

71. Subject to the provisions of Schedule 5 to this Act, the maximum number of nominees which a person may have at the same time is as follows, that is to say—

Limitation of number of nominees.

- (a) he may have one nominee who is presumptively eligible for a life pension ; or
- (b) he may have up to three nominees who are not presumptively eligible for life pensions.

PART IV
 Pension
 overlap
 Part III.

72.—(1) Subject to the provisions of Schedule 5 to this Act—

- (a) a person who is for the time being presumptively eligible for a pension under Part III of this Act in respect of the service of any person shall not be or remain the nominee of that person ; and
- (b) a civil servant to whom Part III of this Act applies and who has a wife or a husband and a woman civil servant to whom Part III of this Act does not apply but who has an incapacitated husband wholly or mainly dependent on her, shall not have any nominee.

(2) Where—

- (a) the marriage of a person, whether male or female, to whom Part III of this Act applies comes to an end after the said Part III has become applicable to him or to her and before he or she has ceased to be a civil servant, and
 - (b) when the marriage came to an end, there was any person presumptively eligible for a children's pension under the said Part III in respect of his or her service,
- the number of nominees permissible under paragraph (b) of the last foregoing section shall, during any period during which any person who was presumptively eligible as aforesaid is alive and is still in his period of childhood and full-time education, be reduced by one for each such person who is alive and is still in his said period.

(3) The references in the foregoing provisions of this section to a person presumptively eligible at any date for a pension under Part III of this Act in respect of the service of another person shall be construed as references to any person to whom or for whose benefit such a pension could have been granted if that other person had died on that date, it being assumed (notwithstanding any provision of this Act which has the effect of requiring a minimum period of service as a condition of the grant of a superannuation allowance) that that other person would have been eligible for a superannuation allowance if he had retired on that date from the civil service on a medical certificate.

(4) A male person to whom Part III of this Act does not apply by reason of an election of his that it should not apply to him shall be in the same position under this section as he would have been in if he had not made that election, and the foregoing provisions of this section shall have effect in relation to him accordingly as if—

- (a) the said Part III applied to him during all periods during which it would have applied to him if he had not made the election ; and

- (b) any persons who, on any date, would be or would have been presumptively eligible for a pension under the said Part III in respect of his service were then, or, as the case may be, had then been, presumptively eligible for such a pension in respect thereof.

PART IV

73.—(1) A purported nomination made in contravention of any of the provisions of the three last foregoing sections shall be void. Avoidance of nominations.

(2) A nomination validly made may at any time be revoked by the nominator by a notice given by him and shall thereupon become void.

(3) Where a nomination validly made becomes, owing to a change in circumstances, one which is not permissible under the three last foregoing sections, it shall thereupon become void.

(4) A nomination shall become void on the death of the nominee.

(5) Subject to the provisions of Schedule 5 to this Act, a nomination which is made during the nominee's period of childhood and full-time education shall become void upon the cessation of the nominee's period of childhood and full-time education.

74.—(1) A nomination which is otherwise valid shall not be invalid by reason only that the nominee has previously been nominated by the same person under a nomination which has become void. Renominations of nominees under previous nominations which have become void.

(2) Where a nomination validly made has become void at any time on the ground that a child of the nominator might then have been but was not a nominee of his and the nominator has died or retired without having made a new nomination, the Treasury may, if in the circumstances they think fit so to do, direct that the provisions of this Act shall have effect as if the nominator, immediately after the event by which the nomination was avoided, had nominated the person who was the nominee under the nomination (or, where more than one nomination was avoided by that event, such of those persons as may be specified in the direction) and had also nominated his child.

(3) Where a person nominates another person who has been his nominee under a previous nomination which has become void, then, subject to the provisions of subsection (4) of this section, the Treasury may, if in the circumstances they think fit so to do, direct that the contributions payable in respect of the nominations shall be calculated as if the previous nomination had never become void:

Provided that where the nominator has elected to make periodical contributions under the first nomination, he shall not, except so far as the Treasury may otherwise direct, make

PART IV

periodical contributions in respect of the period after the first nomination became void and before the new nomination is made, and the amount which he is to contribute by way of a reduction of his additional allowance or gratuity shall be calculated accordingly.

(4) The provisions of subsection (3) of this section shall not apply where—

(a) the nominee is, under the new nomination, and was not, under the previous nomination, presumptively eligible for a life pension, or

(b) the nominee is not, under the new nomination, but was, under the previous nomination, presumptively eligible for a life pension,

but, in any such case, the Treasury may, if they think fit, direct that—

(i) all or any of the periodical contributions, if any, made in respect of the first nomination shall be returned to the nominator; and

(ii) no contribution, or a reduced contribution, shall be made in respect of the first nomination by way of a reduction of an additional allowance or gratuity.

(5) Where any contributions are returned under subsection (4) of this section, they may be returned with compound interest at such rate or rates as the Treasury may from time to time determine.

Power to refuse nominations on ground of nominator's ill-health.

75.—(1) The Treasury may refuse to accept a nomination if they are not satisfied that the nominator was, having regard to his age, in good health at the time of the making of the nomination, and any nomination refused under this subsection shall be void.

(2) A person who makes a nomination shall, when he makes the nomination and subsequently, make such declarations and provide such information as the Treasury may reasonably require for the purpose of enabling them properly to exercise the powers conferred on them by subsection (1) of this section and shall, if so required by the Treasury for that purpose, submit to be medically examined by a registered medical practitioner nominated or approved in that behalf by the Treasury.

Miscellaneous

Modification of Part IV in relation to persons to whom s. 6 or s. 13 applies.

76. The provisions of this Part of this Act shall, in relation to persons to whom section 6 of this Act applies, have effect subject to the provisions of Part I of Schedule 7 to this Act, and the provisions of this Part of this Act, shall, in relation to persons to whom section 13 of this Act applies, have effect subject to the provisions of Part II of that Schedule.

77. The fact that a person has made a nomination shall not affect his rights under section 43 of this Act, and the pensions payable under this Part of this Act to or for the benefit of the nominees of a person shall be calculated as if any surrender made by him under that section of a part of a superannuation allowance had not been made. PART IV
Saving for allocations under s. 43.

PART V

MISCELLANEOUS AND GENERAL

Supplemental provisions as to Parts I and II

78. A person shall not be eligible for the grant of a superannuation allowance or additional allowance, and a gratuity shall not be granted under section 4 of this Act to the personal representatives of any person, unless the salary or remuneration of that person during his service as a civil servant was paid out of the Consolidated Fund or out of moneys provided by Parliament or out of the Post Office Fund. Person ineligible for certain benefits unless salary paid out of Consolidated Fund, etc.

79. Nothing in this Act shall extend or be construed to extend to give any person an absolute right to any allowance or gratuity under Part I or Part II of this Act or to deprive the Treasury or the head or principal officer of any department of their or his power and authority to dismiss any person from the public service without compensation. No absolute right to any allowance, etc.

80. Subject to section 48(1) of this Act, the decision of the Treasury on any question which arises— Treasury to determine certain questions.

- (a) as to the claim of any person or class of persons for a superannuation allowance or additional allowance or a gratuity under section 4 of this Act, or
- (b) as to the application of any provision of this Act to any person, or
- (c) as to the amount of any allowance or gratuity under this Act, or
- (d) as to the reckoning of any service for any such allowance or gratuity,

shall be final.

The references in paragraphs (b) and (c) of this section to this Act do not include references to section 12, 32, 35 or 36 thereof, or to paragraph 2(2), 3, 7 or 10 of Schedule 1 thereto.

81.—(1) Any reference in this Act to the salary and emoluments of an office is, as regards any period in respect of which any temporary abatement from the salary and emoluments of that office has been made pursuant to a general direction issued by the Treasury for the purpose of effecting economy in national expenditure, a reference to the salary and emoluments which would have been payable to the holder of the office but for that abatement. Temporary abatement from salaries to be disregarded.

PART V

(2) For the purpose of calculating the amount of any gratuity payable under section 15 or 16 of this Act to or in respect of a person who has been employed in the civil service in an un-established capacity or in part-time service, no account shall be taken of any temporary abatement of his pay made pursuant to any general direction issued by the Treasury for the purpose of effecting economy in national expenditure.

Provision against double pension.

82. A person shall not be entitled to reckon the same period of time both for the purpose of a superannuation allowance, additional allowance or retiring allowance or of a gratuity under section 4 of this Act and for the purpose of naval, military or air force non-effective pay.

Supplemental provisions as to Parts III and IV

Duty of civil servants to give information.

83. It is hereby declared that it is the duty of every person who is or has been a civil servant to give to the Treasury or other proper authority all such information as is necessary for the proper operation of Parts III and IV of this Act in relation to him, whether he is asked to give the information or not.

Meaning of "period of childhood and full-time education" for the purposes of Parts III and IV.

84.—(1) Subject to the provisions of subsection (4) of this section, a person shall be deemed for the purposes of Parts III and IV of this Act to be in his period of childhood and full-time education while either—

- (a) he is under the age of sixteen ; or
- (b) he is receiving full-time instruction at any university, college, school or other educational establishment ; or
- (c) he is undergoing training by any person (hereinafter referred to as "the employer") for any trade, profession or vocation in such circumstances that—

(i) he is required to devote the whole of his time to the training for a period of not less than two years ; and

(ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him, do not exceed £13 a year, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training :

Provided that a person shall not be deemed for the purposes of this section to satisfy the condition specified in paragraph (b) or the condition specified in paragraph (c) of this subsection unless there has up till then been no time since he attained the age of sixteen when he did not satisfy one or other of those conditions.

PART V

(2) In subsection (1) of this section, "emoluments" means any salary, fees, wages, perquisites, or profits or gains whatsoever, and includes the value of free board, lodging or clothing, and, for the purposes of paragraph (c)(ii) of the said subsection (1), where a premium has been paid in respect of the training of a person, all emoluments at any time receivable by him, or payable by the employer in respect of him, shall be deemed to be receivable or payable by way of return of the premium, unless and except to the extent that the amount thereof exceeds in the aggregate the amount of the premium.

(3) The Treasury may by order increase the sum of £13 in subsection (1)(c)(ii) of this section, but such an order—

- (a) shall not authorise the payment, or increase, of any instalment of a pension in respect of a period falling before the date when the order takes effect,
- (b) shall, for the purposes of the proviso to the said subsection (1), apply to periods before the date when the order takes effect, as well as to later periods, and
- (c) shall not make invalid any nomination under section 64(1) of this Act made before the order takes effect.

An order under this subsection may be varied or revoked by a subsequent order, but paragraph (b) of this subsection shall not apply to an order other than an order increasing, or further increasing, the said sum of £13.

(4) As respects any period during which neither of the conditions specified in paragraphs (b) and (c) of subsection (1) of this section is satisfied in relation to a person, the Treasury may, if they think fit and are satisfied that that person's full-time education ought not to be regarded as completed, direct either—

- (a) that that period shall be ignored for the purposes of the proviso to subsection (1) of this section; or
- (b) that that period shall be so ignored and shall also be treated as part of his period of childhood and full-time education for all the other purposes of Parts III and IV of this Act, except such purposes, if any, as may be specified in the direction.

(5) Notwithstanding anything in the foregoing provisions of this section, the period of childhood and full-time education shall not, in the case of a person who is permanently incapacitated, be deemed for any of the purposes of Parts III and IV of this Act to continue after he attains the age of sixteen or his permanent incapacity becomes known, whichever is the later.

85. Where a civil servant marries and—

- (a) he dies within the year beginning with the date of the marriage; and
- (b) there are no children born of the marriage; and

Marriages of civil servants whose early death is to be foreseen.

PART V

(c) the Treasury are of the opinion that his death within the year beginning with the date of the marriage was, at that date, to be foreseen by him,

the same results shall follow under Parts III and IV of this Act as would have followed if the marriage had not taken place, and all necessary adjustments (including, if need be, repayments of sums paid in respect of pensions already granted under the said Part III, repayments of contributions made under the said Part III and grants of additional pensions and payments of additional contributions under the said Part IV) shall be made accordingly.

Application
of Forfeiture
Act 1870.
1870 c. 23.

86. Section 2 of the Forfeiture Act 1870 (which provides for forfeiture of pensions in certain cases of conviction for treason or felony) shall apply in relation to a pension or part of a pension under Part III or Part IV of this Act which is applied for the benefit of any person as if that pension or part of a pension, as the case may be, were a pension paid to that person:

Provided that where part only of a pension under the said Part III or the said Part IV is applied for the benefit of the person in question, the said section 2 shall have effect as if, instead of providing that the pension should determine and cease to be payable, it had provided that that pension could not enure for his benefit.

Mode of
making
elections, etc.

87. Any election or nomination required or authorised to be made under Part III or Part IV of this Act, and any notice required or authorised to be given under Part III or Part IV of this Act, shall be in writing, shall be made or given to the Treasury or such other authority as the Treasury may appoint, shall be made or given in the lifetime of the person who makes or gives it and shall, except so far as is otherwise expressly provided, be made or given before that person ceases to be a civil servant.

Effect under
Parts III and
IV of certain
nullity
decrees.

88. Where a marriage which is voidable but not void from the beginning is declared to be null by any court of competent jurisdiction, the same results shall follow under Parts III and IV of this Act as would have followed thereunder if the marriage had not been voidable and had been dissolved at the date of the declaration of nullity.

Miscellaneous

Application
to civil
service of
certain super-
annuation
schemes.

89.—(1) Where, whether before or after the commencement of this Act,—

(a) a person employed in the civil service has, with the approval of the Treasury, become subject to a superannuation scheme to which this section applies, or

(b) a person subject to such a scheme is employed in the civil service and, with the approval of the Treasury, remains subject to the scheme,

the Minister or other person in charge of the department in which that person is employed shall have power, and be deemed always to have had power, but (except where that department is the Treasury) subject to the approval of the Treasury,—

- (i) to pay the contributions authorised or required by the scheme to be paid by that person's employer,
- (ii) to refund the amount of any payments made, whether by that person or by a former employer of his, in respect of any period during which that person was employed in the civil service, being payments falling to be borne by the employer in respect of premiums payable under any policy of insurance issued in pursuance of the scheme or in respect of sums to be invested in pursuance thereof.

(2) Any period, whether before or after the commencement of this Act, in respect of which payments authorised by subsection (1) of this section have been made in the case of any person employed in the civil service, whether before or after he became so employed, shall notwithstanding anything in this Act be disregarded in the application to him of any provisions of this Act except section 18 thereof.

(3) The Treasury may make regulations for conferring on persons employed in the civil service who are subject to any scheme to which this section applies, or any class of such persons, benefits appearing to the Treasury to correspond as nearly as may be with the benefits conferred, on persons whose superannuation benefits are regulated under this Act, by sections 20, 21, 30 and 31 thereof.

(4) The schemes to which this section applies are the superannuation schemes operated under the Federated Superannuation System for Universities, the Federated Superannuation Scheme for Nurses and Hospital Officers, and any other scheme approved by the Treasury for the purposes of this section.

90.—(1) The Treasury may make regulations under which service which would have been taken into account for the purposes of any provisions of this Act but for subsection (2) of the last foregoing section may be taken into account for the purpose of the provisions of this Act with respect to the minimum periods of service which qualify persons for the benefit of this Act.

Regulations authorising service disregarded by reason of s. 89(2) to be taken into account for certain purpose.

(2) Regulations under this section may make different provision in relation to different pension schemes and may include

PART V

such supplemental and incidental provisions as appear to the Treasury expedient, including provisions for modifying the said subsection (2) or any other of the provisions of this Act.

(3) Regulations under this section may apply to service before the making of the regulations, as well as to service for later periods.

Application of certain provisions of Act to retiring and compensation allowances.

91. Sections 5, 25 and 26 of this Act and Parts III and IV thereof shall, so far as capable of such application, apply in relation to retiring allowances and compensation allowances as if references therein to superannuation allowances included references to any annual retiring or compensation allowance and references therein to additional allowances included references to any retiring or compensation allowance taking the form of a lump sum.

Application of Act to persons who served on the establishment of the Secretary of State in Council of India.
1935 c. 2.
(26 Geo. 5 & 1 Edw. 8).

92.—(1) The application of the provisions of this Act specified in subsection (2) of this section in relation to civil servants who have served on the permanent establishment of the Secretary of State in Council of India shall not be affected by anything in section 282(1) of the Government of India Act 1935 (which provides that part of any superannuation and other allowances or gratuities awarded to such persons shall be paid out of the revenues of the Federation of India), and the said subsection (1) shall operate in relation to them as if those provisions had not been made and the allowances and gratuities payable to or in respect of them had been computed and granted accordingly.

(2) The provisions of this Act referred to in subsection (1) of this section are sections 5, 6, 7, 10, 13 (except subsection (4)), 15(1) to (5), 16, 17, 18, 20(1), 21(2), 22, 23, 25, 26, 29, 44 and 45(1), Parts III and IV, sections 83 to 88, 91, 94, 98(2) and (3) and 99 and paragraph 3 of Schedule 3.

General

Distribution of money without representation.

93.—(1) Where on the death of any person any sum not exceeding £500 is due from a government department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then, if the government department prescribed by order of the Treasury for the purpose of this section so direct, but subject to regulations (if any) made by the Treasury, proof of the title of the personal representatives of that person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the department to be beneficially entitled to the personal or moveable estate of that person, or to or among any one or

more of those persons or, in case of the illegitimacy of that person or his children, to or among such persons as the department think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.

(2) Subsection (1) of this section shall apply to any sum not exceeding £500 payable to the personal representatives of a deceased person under this Act as it applies to such a sum due from a government department to a person who has died, and accordingly the sum may either be paid to the personal representatives (without proof of title) or be paid or distributed among the persons appearing to the Treasury to be beneficially entitled to the estate of the deceased, or among such other persons as are described in that subsection.

(3) Nothing in this section shall affect section 8(1) of the Finance Act 1894 (application to estate duty of probate duty law and practice as regards payment of sums under £100 without requiring representation). 1894 c. 30.

94. The Treasury may treat a person for all or any of the purposes of this Act, except section 43 thereof, as wholly or mainly dependent on another person notwithstanding that for the time being he is not in fact so dependent on him, if they are satisfied that it is reasonable to expect that the first-mentioned person will again become dependent on the second-mentioned person and are further satisfied that the break in dependence ought in all the circumstances to be regarded as a temporary one. Power to ignore breaks in dependence.

95.—(1) Any power conferred by this Act to make rules, regulations or orders or to issue any warrant shall be exercisable by statutory instrument. Provisions as to rules, regulations, etc.

(2) Any statutory instrument containing rules or regulations or an order or warrant made or issued under this Act, other than rules made under section 43 thereof, an order made under section 48 or section 93 thereof or regulations made under the said section 93, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A statutory instrument containing rules made under the said section 43 shall be laid before Parliament after being made.

96. The Treasury may, to such extent and subject to such conditions as they think fit, delegate to any Minister or officer of the Crown— Power of Treasury to delegate power to grant allowances, etc.

(a) any power conferred on them by this Act to grant any allowance or gratuity, and

PART V

- (b) any functions exercisable by them under any provision of this Act relating to pensions or contributions under Parts III and IV thereof,

and references in this Act to the Treasury shall be construed accordingly.

Financial provisions.

97.—(1) There shall be paid out of the Consolidated Fund—

- (a) any payments to be so made under provisions of this Act relating to public offices ; and
 (b) any increase attributable to this Act in the sums to be so issued under any other Act.

(2) There shall be paid out of moneys provided by Parliament—

- (a) any pension, allowance, gratuity or return of contributions, with or without interest, which is payable under or by virtue of any of the provisions of this Act and does not fall to be paid from some other fund,
 (b) any expenses incurred under section 89 of this Act, and
 (c) any administrative expenses incurred by any government department under this Act.

(3) Contributions under Parts III and IV of this Act, except so far as they take the form of a reduction of an allowance or gratuity or fall to be paid into some other fund, shall be paid into the Exchequer, and there shall be paid into the Exchequer any other sums falling to be so paid in consequence of the provisions of this Act.

Meaning of "civil service" and "civil servant" and supplementary provisions.

98.—(1) In this Act "civil service" means the civil service of the State.

(2) In this Act "civil servant" means a person serving in an established capacity in the permanent civil service, and references in this Act to persons ceasing to be civil servants, to persons retiring from being civil servants and to retired civil servants shall be construed accordingly.

Except where the context otherwise requires, any reference in this Act to a person ceasing to be a civil servant includes a reference to the death of a person who dies while he is a civil servant.

(3) For the purposes of this Act no person shall be deemed to have served in the permanent civil service unless he holds his

appointment directly from the Crown or has been admitted into the civil service with a certificate from the Civil Service Commissioners.

(4) For the purposes of pensions and other superannuation benefits—

(a) service in an established capacity—

(i) in employment of any of the kinds listed in Schedule 8 to this Act, or

(ii) in the office of Falkland Macer,

shall, where the person in question has been admitted into that employment, or as the case may be has been appointed to the said office, with a certificate from the Civil Service Commissioners, be treated as service in the permanent civil service within the meaning of subsection (3) of this section, and

(b) service in the employment of any of the said kinds, or in the said office, in any other case shall be treated as service in the civil service, not falling within the said subsection (3).

(5) The Treasury may by order add any employment to those listed in the said Schedule, being employment by a body or in an institution specified in the order.

(6) The references in section 12 of this Act to a public department, the references in section 33 of this Act to a government service, and the references in section 93 of this Act to a government department, shall include references to any of the bodies or institutions listed in the said Schedule or, as the case may be, to the service provided by any of those bodies or institutions.

(7) Section 46(1)(b) of this Act shall, notwithstanding subsection (3)(d) of that section, include employment of any of the kinds listed in the said Schedule.

(8) References in this section to employment of the kinds listed in the said Schedule are references, in the case of any institution specified in that Schedule, to employment by the trustees or other authority responsible for the institution, and, in other cases, references to employment by the body specified in the Schedule.

(9) Subsections (4) to (8) of this section shall be deemed always to have had effect, and any order of the Treasury under this section may be expressed to have effect retrospectively.

PART V
Further
provisions
as to
interpretation.

99.—(1) In this Act, except so far as is otherwise expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

- “ additional allowance ” means an allowance granted under section 3 of this Act ;
- “ brother ” includes, in relation to a person, every male child of his father or his mother ;
- “ child ”, in relation to a person, includes an illegitimate child, a stepchild and an adopted child ;
- “ compensation allowance ” means an allowance under section 8 of this Act ;
- “ father ” includes, in relation to a person, his stepfather and a male person by whom he has been adopted ;
- “ gratuity ” means a gratuity granted under any provision of this Act ;
- “ medical certificate ”, in relation to the retirement of any person, means a medical certificate to the satisfaction of the Treasury that that person is incapable from infirmity of mind or body to discharge the duties of his situation and that that infirmity is likely to be permanent ;
- “ mother ” includes, in relation to a person, his stepmother and a female person by whom he has been adopted ;
- “ presumptively eligible for a life pension ”, in relation to a person, means nominated under Part IV of this Act after his period of childhood and full-time education or under a nomination which states that he is permanently incapacitated ;
- “ reckonable service ” means service as computed in accordance with the enactments relating to the computation of service for the purpose of determining the amount of a superannuation allowance or additional allowance ;
- “ retiring age ” means, in relation to a civil servant, the age which a civil servant in accordance with the provisions of this Act must, apart from sections 7 and 10 of this Act, attain in order that a superannuation allowance may be granted to him on retirement without a medical certificate ;
- “ retiring allowance ” means an allowance under section 9 of this Act ;
- “ sister ” includes, in relation to a person, every female child of his father or his mother ;

“superannuation allowance” means an allowance under section 1 of this Act

“unestablished capacity” means employment in the civil service otherwise than in the capacity of a civil servant, being employment to which a person serving therein is required to devote his whole time and the remuneration for which is paid entirely out of moneys provided by Parliament or the Post Office Fund.

(2) Any reference in this Act to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption of Children Act 1926, the Adoption Act 1950, the Adoption Act 1958, or the Adoption of Children (Scotland) Act 1930, or any corresponding enactment of the Parliament of Northern Ireland, or adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption, and references to a person by whom another person has been adopted shall be construed accordingly.

1926 c. 29.
1950 c. 26.
1958 c. 5.
(7 & 8 Eliz. 2.).
1930 c. 37.

(3) In this Act “incapacitated” means, in relation to a person, incapable by reason of old age or some specific bodily or mental disability of earning his own living, and a person who is in any event too young to earn his own living shall be treated as incapacitated for the purposes of this Act if it appears that, by reason of any specific bodily or mental disability, he will be incapable of earning his own living when he attains the age at which he would otherwise be capable of doing so.

(4) Any reference in this Act to any enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any other enactment.

100. Nothing in this Act with respect to superannuation, compensation or other allowances shall extend or be construed to extend to any naval, military or air force service retired pay, service pension or service gratuity.

Act not to apply to naval, etc., service pensions.

101.—(1) This Act shall not apply to any existing Irish officers.

(2) In this section “existing Irish officers” has the same meaning as in the Government of Ireland Act 1920.

Act not to apply to existing Irish officers.
1920 c. 67.

PART V

Application of
Superannua-
tion Acts by
Superannua-
tion Act
(Northern
Ireland) 1921.
1921 c. 3
(N.I.).

102. It is hereby declared that nothing in the Superannuation Acts 1834 to 1965 passed since the Superannuation Act (Northern Ireland) 1921, and nothing in the repeals in this Act or in any other provision of this Act (except the power in section 38 to amend enactments forming part of the law of any part of the United Kingdom) affects the Superannuation Acts 1834 to 1914 as applied by the said Superannuation Act (Northern Ireland) 1921.

Consequential
amendments
of Acts.

103. The enactments specified in Schedule 9 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential upon the provisions of this Act.

Savings,
transitional
provisions
and repeals.

104.—(1) The savings and transitional provisions contained in Schedule 10 to this Act shall have effect.

(2) The enactments specified in Schedule 11 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

Saving for
s. 38 of
Interpretation
Act 1889.
1889 c. 63.

105. The inclusion in this Act of any express saving, transitional provision or amendment shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).

Short title
and com-
mencement.

106. This Act may be cited as the Superannuation Act 1965 and shall come into force at the expiration of a period of one month beginning with the date on which it is passed.

SCHEDULES

SCHEDULE 1

Section 14.

MODIFICATION OF SECTIONS 1, 3, 4, 6 AND 13 OF THIS ACT
IN RELATION TO CERTAIN PERSONS

PART I

*Modification of sections 1, 3, 4, 6 and 13 in relation to certain
Female Persons who were Civil Servants on 27th June 1935*

1.—(1) Subject to sub-paragraph (2) of this paragraph, this Part of this Schedule applies to any female person who—

- (a) became a civil servant before 27th June 1935, and
- (b) did not adopt the provisions of the Superannuation Act 1909 c. 10, 1909.

(2) This Part of this Schedule shall not apply to a female person who—

- (a) duly elected that Part I of the Superannuation Act 1949 1949 c. 44, should apply to her or duly elects that Part III of this Act shall apply to her, or
- (b) duly made a nomination within the meaning of Part II of the said Act of 1949 or duly makes a nomination within the meaning of Part IV of this Act.

2.—(1) The proportion of the average annual amount of the salary and emoluments of her office during the last three years of her service on which the superannuation allowance which may be granted to a person to whom this Part of this Schedule applies is to be computed shall be one-sixtieth instead of one-eightieth and sections 1(1), 6(3) and 13(3) of this Act shall accordingly have effect in relation to such a person as if for the words "one-eightieth" there were substituted the words "one-sixtieth".

(2) Where a person to whom this Part of this Schedule applies has been in the class from which she retires for a period of at least three years immediately before the grant to her of a superannuation allowance, such allowance shall be computed on the amount of the annual salary and emoluments of her office and accordingly the said section 1(1), as modified by the foregoing sub-paragraph, shall have effect in relation to that person as if for the words "the average annual amount of the salary and emoluments of his office during the last three years of his service" there were substituted the words "the annual salary and emoluments of her office".

3.—(1) Where any fees or other sources of profit form part of the emoluments of an office of a person to whom this Part of this Schedule applies, the head of the department in which that office is may, for the purpose of computing any superannuation or compensation allowance to be granted to that person, fix, with the approval of the Treasury, an average sum in respect of that part of the emoluments which consists of such fees or other sources of profit, but not exceeding the average annual amount of such fees or other sources of profit during the three last preceding years.

SCH. 1

(2) Sub-paragraph (1) of this paragraph shall not affect the amount of any superannuation allowance or other sum so far as it depends on the amount of that part of the emoluments of an office which does not consist of any fees or other sources of profit.

4. Sections 3 and 4 of this Act shall not apply in relation to a person to whom this Part of this Schedule applies.

PART II

Modification of sections 1, 3, 4, 6 and 13 in relation to certain other Persons who were Civil Servants on 27th June 1935

5.—(1) Subject to sub-paragraph (2) of this paragraph, this Part of this Schedule applies to—

1935 c. 23.

(a) any male person who was a civil servant on 27th June 1935 and who duly signified that he did not desire section 4 of the Superannuation Act 1935 to apply to him, and

1909 c. 10.

(b) any female person who was a civil servant on 27th June 1935 and was allowed by the Treasury under section 1(2) of the said Act of 1935 to adopt the provisions of the Superannuation Act 1909 and who duly signified that she did not desire the said section 4 to apply to her.

(2) This Part of this Schedule shall not apply to—

1949 c. 44.

(a) any person to whom Part I of the Superannuation Act 1949 became, or Part III of this Act becomes, applicable, or

(b) any person who duly made a nomination within the meaning of Part II of the said Act of 1949 or duly makes a nomination within the meaning of Part IV of this Act.

6. Subject to paragraph 7 of this Schedule, any superannuation allowance, additional allowance or gratuity under section 4 of this Act which may be granted to, or in respect of, a person to whom this Part of this Schedule applies shall be computed on the annual salary and emoluments of his office and accordingly sections 1, 3 and 4 of this Act shall have effect in relation to any such person as if for the words “the average annual amount of the salary and emoluments of his office during the last three years of his service”, wherever those words occur in the said sections, there were substituted the words “the annual salary and emoluments of his office” and as if for the words “that amount” in the said section 3 there were substituted the words “the amount of such salary and emoluments”.

7. Paragraph 6 of this Schedule shall not have effect in relation to any person unless he has been in receipt of the salary and emoluments of his office, or has been in the class from which he retires or in which he was serving at the time of his death, as the case may be, for at least three years immediately before the grant of a superannuation allowance or additional allowance or, in the case of a gratuity under section 4(1) of this Act, immediately before his death.

8. Sections 3, 6(3) and 13(3) of this Act shall, in relation to a person to whom this Part of this Schedule applies, have effect as if

for the words "three-eighths" there were substituted the words "one-thirtieth". SCH. 1

9. The amount of the additional allowance payable to a female person to whom this Part of this Schedule applies shall be increased by one-half per cent. in respect of each completed year she had served before 27th June 1935.

10. Paragraph 3 of this Schedule shall apply in relation to a person to whom this Part of this Schedule applies as it applies in relation to a person to whom Part I of this Schedule applies subject to the modification that references therein to a superannuation allowance shall be construed as including references to an additional allowance and a gratuity under section 4 of this Act.

PART III

Modification of section 3 in relation to certain other Female Persons

11. This Part of this Schedule applies to a female person who—
- (a) was allowed by the Treasury under section 1(2) of the Superannuation Act 1935 to adopt the provisions of the Superannuation Act 1909, and 1935 c. 23.
1909 c. 10.
 - (b) did not duly signify that she did not desire section 4 of the Superannuation Act 1935 to apply to her.

12. The amount of the additional allowance payable to a person to whom this Part of this Schedule applies shall be increased by one half per cent. in respect of each completed year she had served before 27th June 1935.

PART IV

Modification of section 3 in relation to certain members of the Diplomatic Service

- 13.—(1) This Part of this Schedule applies to a person—
- (a) to whom immediately before 27th March 1929 the Diplomatic Salaries, &c. Act 1869 applied, or 1869 c. 43.
 - (b) who having been appointed a member of the diplomatic service at any time after 1st April 1919 was such a member immediately before 27th March 1929, whether he was or was not a person to whom the said Act of 1869 so applied.

(2) If any question arises whether a person was a person to whom the said Act of 1869 applied or was a member of the diplomatic service immediately before 27th March 1929, that question shall be determined by the Treasury after consultation with the Secretary of State, and the decision of the Treasury thereon shall be final.

14. The amount of the additional allowance which may be granted to a person to whom this Part of this Schedule applies shall be increased by one-half per cent. in respect of each completed year he had served before 27th March 1929.

Section 17.

SCHEDULE 2

PROVISIONS APPLICABLE TO PERSONS EMPLOYED IN UNESTABLISHED OR PART-TIME SERVICE BEFORE 29TH APRIL 1965

1. Where a person, after being employed in part-time service to which section 16 of this Act applies, is employed in an unestablished capacity and he dies in, or retires or is removed from, his employment—

- (a) his employment in the part-time service to which the said section 16 applies may, for the purpose of determining whether a gratuity may be granted under section 15 of this Act in respect of the service in an unestablished capacity (but not for the purpose of determining the amount of that gratuity), be taken into account as if it were employment in an unestablished capacity ; and
- (b) where, whether by virtue of sub-paragraph (a) of this paragraph or otherwise, a gratuity falls to be granted under the said section 15 to or in respect of him, a gratuity may also be granted under that section, as applied by section 16(2) of this Act, in respect of his said part-time service, notwithstanding that he has not served therein for the minimum period required by that section as so applied.

2. Where a person, before being employed in part-time service to which the said section 16 applies, is employed in an unestablished capacity and he dies in, or retires or is removed from, his employment—

- (a) his employment in the unestablished capacity may, for the purpose of determining whether a gratuity may be granted under the said section 15, as applied by the said section 16(2), in respect of the part-time service (but not for the purpose of determining the amount of that gratuity), be taken into account as if it were employment in the part-time service ; and
- (b) where, whether by virtue of sub-paragraph (a) of this paragraph or otherwise, a gratuity falls to be granted to or in respect of him under the said section 15, as so applied, a gratuity may also be granted under that section in respect of his service in an unestablished capacity, notwithstanding that he has not served therein for the minimum period required by that section.

Section 20.

SCHEDULE 3

RECKONING OF SERVICE BEFORE 27TH JUNE 1935 IN AN UNESTABLISHED CAPACITY

1. Section 20 of this Act shall not extend to any persons who entered on employment in an unestablished capacity before 27th June 1935 except persons of such descriptions as may be specified in that behalf by regulations made by the Treasury, but no service before 1st January 1919 shall be reckoned under subsection (1) of that section.

2.—(1) This paragraph applies to a person who, having been employed in an unestablished capacity before 27th June 1935, continued to be so employed until the date on which he became or becomes a civil servant. SCH. 3

(2) If the service in an unestablished capacity of a person to whom this paragraph applies is not to be reckoned under section 20(1) of this Act as service in the capacity of a civil servant, and if in the opinion of the Treasury any special circumstances of the case warrant such a course, the Treasury may direct that his service in an unestablished capacity may be reckoned for the purposes of this Act as service in the capacity of a civil servant, and it shall be so reckoned accordingly.

3. The Treasury may direct that, subject to such conditions as they may determine, paragraph 2 of this Schedule shall apply to a person who became or becomes a civil servant after having been employed in an unestablished capacity before 27th June 1935 notwithstanding that there was or is an interval between the conclusion of his employment in such a capacity and the time when he became or becomes a civil servant.

SCHEDULE 4

Section 30.

WOMEN'S SERVICES

1. Member of Queen Alexandra's Royal Naval Nursing Service or any reserve thereof.
2. Member of the Women's Royal Naval Service.
3. Woman medical or dental practitioner serving in the Royal Navy or any naval reserve.
4. Member of Queen Alexandra's Imperial Military Nursing Service or any reserve thereof or of Queen Alexandra's Royal Army Nursing Corps or any reserve thereof.
5. Member of the Territorial Army Nursing Service or any reserve thereof.
6. Member of the Auxiliary Territorial Service or the Women's Royal Army Corps.
7. Woman employed with the Royal Army Medical Corps or the Army Dental Corps with relative rank as an officer.
8. Member of Princess Mary's Royal Air Force Nursing Service or any reserve thereof.
9. Member of the Women's Auxiliary Air Force or the Women's Royal Air Force.
10. Woman employed with the Medical Branch or the Dental Branch of the Royal Air Force with relative rank as an officer.
11. Member of the Voluntary Aid Detachments employed under the Admiralty, Army Council or Air Council.

Sections 52, 62,
65, 71, 72, 73.

SCHEDULE 5

PROVISIONS RELATING TO INCAPACITATED PERSONS

PART I

Children's Pensions

1. Where a person for whose benefit, if he were still in his period of childhood and full-time education, a children's pension could enure under Part III of this Act in respect of the service of any deceased person is for the time being incapacitated by an incapacity which arose or first arose during that period, then, subject as hereinafter provided, a children's pension may enure for the benefit of that person notwithstanding that he is no longer in his period of childhood and full-time education :

Provided that this paragraph shall not apply where the incapacity is a permanent one which arose before the deceased ceased to be a civil servant, and the deceased, before he ceased to be a civil servant, knew or might reasonably be expected to have known that it had arisen and was permanent.

2. If in any case to which section 53(2) of this Act applies a children's pension can enure for the benefit of any person by virtue only of the foregoing paragraph, then, whether or not that pension can also enure for the benefit of any other person or persons, the annual rate thereof may amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher.

PART II

Dependants' Pensions

3. A life pension may be granted under section 64 of this Act to a nominee who is nominated before the end of the period of his childhood and full-time education, if the nomination states that he is permanently incapacitated ; but a life pension shall not be granted to such a nominee by virtue of this paragraph until the end of his period of childhood and full-time education.

4. Notwithstanding anything in section 65 of this Act, a pension of limited duration shall be capable of enuring for the benefit of a nominee after the end of his period of childhood and full-time education (not being a nominee who is presumptively eligible for a life pension) so long as he is for the time being incapacitated by an incapacity which arose or first arose during that period :

Provided that this paragraph shall not apply where the incapacity is a permanent one which arose before the nominator ceased to be a civil servant, and the nominator, before he ceased to be a civil servant, knew or might reasonably be expected to have known that it had arisen and was permanent.

5. The annual rate of any such pension as is mentioned in the last foregoing paragraph may, whether or not it can also enure for

the benefit of any other person or persons, amount to one-third of the rate of the superannuation allowance of the deceased or to £26 per annum, whichever is the higher.

SCH. 5

6. Section 67(2)(b)(iii) of this Act, and section 69(4)(c) thereof, shall not apply to the contributions payable in respect of a nomination by virtue of which the nominee is presumptively eligible for a life pension.

7. Notwithstanding anything in section 71 or 72 of this Act, a nominator may have one nominee who is his child and is presumptively eligible for a life pension and may have that nominee in addition to the number of nominees allowed under the said section 71.

8. A nomination in force immediately before paragraph (b) of section 72(1) of this Act became applicable to the nominator shall not be invalidated by reason only of that paragraph, if the nominee was then known to the nominator to be permanently incapacitated and was presumptively eligible for a life pension.

9. A nomination by virtue of which the nominee is presumptively eligible for a life pension shall not become void by virtue of section 73(5) of this Act at the end of the nominee's period of childhood and full-time education; and for the purpose of determining whether a person not presumptively eligible for a life pension is eligible for a pension of limited duration by virtue of paragraph 4 of this Schedule, the said subsection (5) shall be deemed not to have applied to the nomination.

SCHEDULE 6

Section 60.

MODIFICATION OF PART III IN RELATION TO PERSONS TO WHOM SECTION 6 OR 13 APPLIES

PART I

Persons Serving after Retiring Age and 40 Years' Reckonable Service

1. Where any person to whom section 6 of this Act applies ceases to be a civil servant after making periodical contributions under section 55 of this Act, the period in respect of which contributions may be returned to him by virtue of section 56(2)(b) of this Act shall be reduced by the number of years of reckonable service which are taken into account under section 6(3) of this Act or would be so taken into account but for the provisions of section 13(5) of this Act.

2. For the purpose of computing any contribution to be made under section 57 of this Act in respect of a person to whom section 6 of this Act applies, there shall be taken into account (notwithstanding anything in section 57(5) of this Act) any year of reckonable service which is taken into account for the purposes of section 6(3) of this Act or which would be so taken into account but for the provisions of section 13(5) of this Act.

SCH. 6

3. Where any superannuation allowance or additional allowance granted to a person to whom section 6 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 57(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service.

PART II

Persons Serving in Unestablished Employment after Retirement

4. Where any person to whom section 13 of this Act applies had a wife when he ceased to be a civil servant then, in computing any contribution to be made in respect of him under section 57 of this Act, any year of continuous unestablished service which is taken into account for the purposes of section 13(3) of this Act, being a year throughout which his wife is living, shall be added to the number of relevant years as ascertained in accordance with section 57(4) and (5) of this Act:

Provided that the years added by virtue of this paragraph together with the years taken into account by virtue of paragraph 2 of this Schedule shall not exceed five in all.

5. Where any superannuation allowance or additional allowance granted to a person to whom section 13 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 57(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service as a civil servant.

6. The amount of any increase attributable to the provisions of this Part of this Schedule in the contribution payable in respect of any person under Part III of this Act shall take the form of a reduction of the increase in the additional allowance which would otherwise be granted to that person by virtue of section 13 of this Act.

7. In relation to a superannuation allowance which has been or may be increased under section 13 of this Act, the reference in section 50(2) of this Act to the annual rate of the superannuation allowance shall be construed as a reference to the annual rate of that allowance as so increased.

Section 76.

SCHEDULE 7

MODIFICATION OF PART IV IN RELATION TO PERSONS
TO WHOM SECTION 6 OR 13 APPLIES

PART I

Persons Serving after Retiring Age and 40 Years' Reckonable Service

1. Where any person to whom section 6 of this Act applies ceases to be a civil servant after making periodical contributions under section 67 of this Act, the period in respect of which contributions may be returned to him by virtue of section 68(2)(b) of

SCH. 7

this Act shall be reduced by the number of years of reckonable service which are taken into account under section 6(3) of this Act or would be so taken into account but for the provisions of section 13(5) of this Act.

2. For the purpose of computing any contributions to be made under section 69 of this Act in respect of a person to whom section 6 of this Act applies there shall be taken into account (notwithstanding anything in section 69(5) of this Act) any year of reckonable service which is taken into account for the purposes of section 6(3) of this Act or which would be so taken into account but for the provisions of section 13(5) of this Act.

3. Where any superannuation allowance or additional allowance granted to a person to whom section 6 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 69(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service.

PART II

Persons Serving in Unestablished Employment after Retirement

4. For the purpose of computing any contribution to be made under section 69 of this Act in respect of a person to whom section 13 of this Act applies, any year of continuous unestablished service which is taken into account for the purposes of section 13(3) of this Act, being a year throughout which a nomination made by that person under Part IV of this Act is in force, shall be added to the number of relevant years as ascertained in accordance with section 69(4) and (5) of this Act:

Provided that the years added by virtue of this paragraph together with the years taken into account by virtue of paragraph 2 of this Schedule shall not exceed five in all.

5. Where any superannuation allowance or additional allowance granted to a person to whom section 13 of this Act applies is computed upon the amount specified in subsection (2)(a) of that section, any contribution to be made in respect of that person under section 69(3) of this Act shall be ascertained by reference to that amount instead of by reference to the average annual amount of the salary and emoluments of his office during the last three years of his service as a civil servant.

6. The amount of any increase attributable to the provisions of this Part of this Schedule in the contribution payable in respect of any person under Part IV of this Act shall take the form of a reduction of the increase in the additional allowance which would otherwise be granted to that person by virtue of section 13 of this Act.

7. In relation to a superannuation allowance which has been or may be increased under section 13 of this Act, the reference in section 63(2) of this Act to the annual rate of the superannuation allowance shall be construed as a reference to the annual rate of that allowance as so increased.

Section 98.

SCHEDULE 8**KINDS OF EMPLOYMENT REFERRED TO IN SECTION 98***Museums and Galleries*

British Museum.
 British Museum (Natural History).
 Imperial War Museum.
 London Museum.
 National Gallery.
 National Maritime Museum.
 National Portrait Gallery.
 Tate Gallery.
 Wallace Collection.
 National Galleries of Scotland.
 National Museum of Antiquities of Scotland.

Royal Commissions and other Commissions

Royal Fine Art Commission.
 Royal Fine Art Commission for Scotland.
 Historical Manuscripts Commission.
 Standing Commission on Museums and Galleries.
 Royal Commission on Historical Monuments (England).
 Royal Commission on Ancient and Historical Monuments (Wales and Monmouthshire).
 Royal Commission on Ancient and Historical Monuments of Scotland.
 National Incomes Commission.

Other bodies

Council for Technical Education and Training for Overseas Countries.
 Inter-University Council for Higher Education Overseas.
 National Economic Development Council.
 National Library of Scotland.
 Public Works Loan Board.
 Scottish Land Court.

Section 103.

SCHEDULE 9**ENACTMENTS AMENDED**

The Superannuation Act 1946
 (9 & 10 Geo. 6. c. 60)

In section 5(3) for the words "this section" there shall be substituted the words "section 89 of the Superannuation Act 1965" and for the words "the Superannuation Acts" there shall be substituted the words "that Act".

In section 5(4) for the words "this section", where first occurring, there shall be substituted the words "the said section 89" and for the words "this section", where they occur for the second time, there shall be substituted the words "that section".

The Post Office Act 1961
(9 & 10 Eliz. 2. c. 15)

SCH. 9

In section 15(1) for the words from "so", where last occurring, to the end of the subsection there shall be substituted the words "provided by Parliament for supply services shall be construed as including a reference to the Fund".

SCHEDULE 10

SAVINGS AND TRANSITIONAL PROVISIONS

Section 104.

General Provisions

1. The repeal of any enactment by this Act shall not affect any allowance, pension or gratuity granted before the commencement of this Act and the allowance, pension or gratuity shall be deemed to have been granted under the corresponding provision of this Act.

2.—(1) In so far as any rule, regulation, order, determination, decision, surrender, election, or nomination made, warrant issued, certificate, direction, notice or approval given, contribution paid, or other thing done, under an enactment repealed by this Act could have been made, issued, given, paid, or done under a corresponding provision of this Act, it shall not be invalidated by the repeal, but shall have effect as if made, issued, given, paid or done under that corresponding provision.

(2) Notwithstanding the repeal of section 41 of the Superannuation Act 1949, any warrants under section 1 of the Superannuation Act 1887 continued in force by subsection (9) of the said section 41 and deemed by that subsection to be warrants issued under that section shall, until revoked, continue in force and be deemed to be warrants issued under section 18 of this Act. 1949 c. 44.
1887 c. 67.

(3) The repeal of section 3 of the Superannuation (Miscellaneous Provisions) Act 1948 shall not affect any rules made under that section by virtue of paragraph 11 of Schedule 2 to the Superannuation (Amendment) Act 1965, and those rules shall continue to have effect notwithstanding the repeal of the said section 3. 1948 c. 33.
1965 c. 10.

3. Where any Act or document refers, whether specifically or by means of a general description, to any enactment repealed by this Act or to any provision contained in any such enactment, the reference shall be construed as, or as including, a reference to this Act or, as the case may be, to the corresponding provision of this Act.

4. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

Provisions relating to Part I of Act

5. The cases to which section 13(4) of this Act applies include cases where the person ceased to be a civil servant before 29th April 1965 if he continued to serve, without any interval, in an unestablished capacity in the civil service until that date.

6.—(1) A gratuity or annual allowance shall not be granted under section 18 of this Act in respect of an injury suffered, or

SCH. 10

disease contracted, before 14th July 1949 except where the gratuity or allowance is permitted by the terms of a warrant issued under section 1 of the Superannuation Act 1887 and continued in force by section 41(9) of the Superannuation Act 1949 and paragraph 2(2) of this Schedule.

1887 c. 67.

1949 c. 44.

(2) A gratuity or annual allowance shall not be granted under the said section 18 to any of the relatives of a person who died before 29th April 1965 unless the death took place either immediately or within seven years from the time when that person suffered the injury or contracted the disease referred to in subsection (1) of that section.

1962 c. 44.

(3) For the purpose of subsection (3) of section 33 of the Finance Act 1962 (which provides that for the purposes of any enactment or instrument passed or made before that Act under which the amount of any payment is to be determined by reference to the terms on which a savings bank annuity might for the time being be purchased under the Government Annuities Act 1929, the tables in force under section 53 of the said Act of 1929 shall, subject to the power of the Treasury under subsection (4) of the said section 33 by order to vary those tables or add or substitute new tables, apply as if the said Act of 1962 had not been passed) section 18(3) of this Act shall be deemed to have been passed before that Act.

1929 c. 29.

(4) So much of section 18(5) of this Act as applies to a person in part-time service to which section 16 of this Act applies shall not have effect in relation to a person whose death took place before 29th April 1965.

7. Section 19 of this Act shall not apply in relation to a payment made before 29th April 1965.

S.I. 1949/517.

8. In rule 4(1) of the Superannuation (Treatment of Compulsory National Service of Civil Servants) Rules 1949 which by virtue of paragraph 1 of this Schedule have effect as if made under section 32(3) of this Act the words "or any subsequent examination for persons desiring to obtain similar posts" shall not apply to any examinations held after 28th April 1965.

9. Nothing in section 34 of this Act shall render any allowance or gratuity payable in respect of any period before 26th July 1946.

10. In relation to service at any time before 29th April 1965, the expression "public office" in sections 38 and 39 of this Act includes—

1892 c. 40.

(a) any public office within the meaning of the Superannuation Act 1892 as in force at that time, and

1887 c. 13.

(b) any office in the permanent civil service of a colony within the meaning of the Pensions (Colonial Service) Act 1887 as in force at that time or any other office to which that Act then applied.

11.—(1) The Superannuation (Public Offices) Rules 1911 to 1948 shall continue in force and have effect as if made under section 38 of this Act, and may be amended or revoked accordingly.

(2) Subject to being so amended, and subject to section 39(5) of this Act, in those rules the expression "public office", in relation to service before 29th April 1965, means any such office as is described in paragraph 10 of this Schedule and in relation to

service at any later time has the meaning given by section 39 of this Act. SCH. 10

(3) This paragraph shall not extend to the said rules so far as they form part of the law of any country or territory outside the United Kingdom and the Isle of Man.

12. In relation to allowances granted before 29th April 1965, rules under section 43 of this Act may authorise the allocation of part of an allowance beginning from a time after the beginning of the period in respect of which the allowance is paid.

13. In relation to a person whose marriage took place before the date of the making of the first rules made under section 33 of the Superannuation Act 1949, section 44(1) and (3) of this Act shall have effect as if for references therein to the date of the marriage there were substituted references to the date on which that person notified in accordance with the rules his desire to make the surrender of part of the superannuation allowance granted or to be granted to him. 1949 c. 44.

Provisions relating to Part III of Act

14. Section 49 of this Act shall apply in relation to a person to whom Part I of the Superannuation Act 1949 applied as if the first reference in paragraph (b) of that section to Part III of this Act were a reference to the said Part I.

15. A direction may be given under section 52(4) or (5) of this Act by reference to an event before the commencement of this Act but not so as to authorise the payment, or increase, of an instalment of a pension in respect of a period falling before 29th April 1965.

16. Section 55(3) of this Act shall have effect in relation to an election made, or having effect as if made, under section 55(1) or (2) of this Act by a person to whom Part I of the Superannuation Act 1949 applied as if the references to the date when Part III of this Act first applies to him were references to the date when the said Part I first applied to him.

17. Sections 56(1) and 57(2) of this Act shall apply in relation to a person to whom Part I of the Superannuation Act 1949 applied as if the references to Part III of this Act included references to the said Part I.

18. An election made by a person under any provision of section 10 of the Superannuation Act 1949 which was spent before the commencement of this Act and for which accordingly there is no corresponding provision in this Act, other than an election which has been cancelled before the said commencement, shall not be invalidated by the repeal of that section but shall have effect as if made under section 58 of this Act.

Provisions relating to Part IV of Act

19. Section 72(4) of this Act shall apply to a person to whom Part III of this Act does not apply by reason of an election of his that Part I of the Superannuation Act 1949 should not apply to him as it applies to a person to whom the said Part III does not apply by reason of an election of his that that Part should not apply to him subject to the modification that the references in paragraphs (a) and (b) of that subsection to the said Part III shall be construed as including references to the said Part I.

Section 104.

SCHEDULE 11

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
4 & 5 Will. 4. c. 24.	The Superannuation Act 1834.	The whole Act.
22 Vict. c. 26.	The Superannuation Act 1859.	The whole Act.
50 & 51 Vict. c. 67.	The Superannuation Act 1887.	The whole Act.
9 Edw. 7. c. 10.	The Superannuation Act 1909.	The whole Act.
4 & 5 Geo. 5. c. 86.	The Superannuation Act 1914.	The whole Act.
19 Geo. 5. c. 11.	The Superannuation (Diplomatic Service) Act 1929.	The whole Act.
25 & 26 Geo. 5. c. 23.	The Superannuation Act 1935.	Sections 1 to 4, 6 to 8, 12, 13 and 16. In section 17 the words from "the expression", where first occurring, to "certificate and". In section 18(1) the words from "and", where first occurring, to the end of the subsection.
6 & 7 Geo. 6. c. 35.	The Foreign Service Act 1943.	The whole Act.
9 & 10 Geo. 6. c. 60.	The Superannuation Act 1946.	Sections 1 to 4. In section 5, subsections (1) and (2) and, in subsection (3), the words from "by", where first occurring, to "1935 and". Section 6(2) and (3). Section 9(1). In section 10(1) the words from "and except" to the end. Schedules 1 and 2.
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act 1948.	In section 1(1), paragraph (a) and the words from "for the purposes", where first occurring, to "capacity". Section 1(2). In section 1(3) the words "in relation to the Superannuation Acts, 1834 to 1946, be made by the Treasury" and the words "by or". Section 1(4). Sections 3 and 4. In section 17(1) the definition of "service to the State in an unestablished capacity".

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act 1949.	Parts I, II and III. Sections 45, 46 and 47. Section 48(5). Sections 50, 51, 54 and 55. Sections 57 to 61. Section 62(1)(a) and (2). Section 63 except the definition of "the Superannuation Acts" in subsection (1). In section 64(1) the words from "and the" to the end. Schedules 1 and 2.
14 & 15 Geo. 6. c. 2.	The Superannuation Act 1950.	Section 1(1). Section 2. In section 4, subsection (2) and the words in subsection (3) from "and this" to the end. Section 41(3).
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	
5 & 6 Eliz. 2. c. 37.	The Superannuation Act 1957.	The whole Act.
8 & 9 Eliz. 2. c. 11.	The Foreign Service Act 1960.	The whole Act.
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	In section 15(1), the words from the beginning to "Fund; and".
1963 c. 24.	The British Museum Act 1963.	Sections 6(3) and 13(4).
1965 c. 10.	The Superannuation (Amendment) Act 1965.	Sections 1 to 3. In section 4, subsections (3) to (5) and, in subsection (6), the words "Sections 1 to 3 of this Act and". In section 5 the words "The Superannuation Acts". Sections 6 and 7. Section 8(1)(a) and (2)(a). In section 9(1) the words from "and the" to the end of the subsection. Section 9(2), (3) and (5). In Schedule 1 the entries relating to the Foreign Service Act 1943 and the Superannuation Act 1949. Schedule 2 except paragraphs 11 and 12(3) and (4), paragraph 24, so far as it relates to section 6 of the Administration of Justice (Pensions) Act 1950, and paragraph 26. Schedules 3 and 4.



Rent Act 1965

1965 CHAPTER 75

An Act to restore the right to retain possession of certain dwellings; to make further provision with respect to security of tenure, rents and premiums; to restrict evictions without due process of law; and for purposes connected with those matters. [8th November 1965]

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

PART I

REGULATED TENANCIES

Extension of application of Rent Acts

1.—(1) The Rent Acts shall apply, subject to the provisions of this section, to every tenancy of a dwelling-house the rateable value of which on the appropriate day did not exceed, in Greater London £400, and elsewhere in Great Britain £200; and references (however expressed) in any enactment to a dwelling-house to which those Acts apply shall be construed accordingly.

(2) The Rent Acts shall not by virtue of this section apply to a tenancy of a dwelling-house unless they would, if amended in accordance with Part I of Schedule 1 to this Act, apply to that tenancy but for one or more of the following, that is to say—

- (a) that the rateable value of the dwelling-house at any date exceeded the value by reference to which at that date the application of the Rent Acts to a dwelling-house was limited by section 11(1) of the Rent Act 1957 or 1957 c. 25. any earlier Act; or

PART I

(b) that the dwelling-house consists of premises falling within section 35 of the Act of 1954 or section 27 of the Scottish Act of 1954 (premises produced by conversion or erection completed after the commencement of that Act); or

1957 c. 25.

(c) that the tenancy was created as mentioned in section 11(2) of the Rent Act 1957, that is to say, by a lease or agreement coming into operation at or after the commencement of that Act.

1954 c. 56.

(3) This section shall not affect the application to any tenancy of Part II of the Landlord and Tenant Act 1954 or of the Tenancy of Shops (Scotland) Acts 1949 and 1964, and the Rent Acts shall not by virtue of this section apply to a tenancy to which that Part or the said Acts of 1949 and 1964 apply, without prejudice, however, to their application to any sub-let part of the premises comprised in it, or of section 41 of the Act of 1954 (protection of sub-tenants of parts of premises) at the coming to an end of the tenancy.

(4) In this Act “regulated tenancy” means —

(a) a tenancy to which the Rent Acts apply by virtue of this section; or

(b) a statutory tenancy arising on the termination of such a tenancy as is mentioned in paragraph (a) of this subsection.

(5) Where a tenancy to which the Rent Acts apply by virtue of this section (in this subsection referred to as a “contractual tenancy”) is followed by a statutory tenancy they shall be treated for the purposes of this Act as together constituting one regulated tenancy; and in this Act any rental period beginning before the termination of a contractual tenancy is referred to as a “contractual period”, and any rental period beginning while a regulated tenancy is a statutory tenancy as a “statutory period”.

(6) In their application to regulated tenancies the Rent Acts shall have effect subject to the amendments specified in Schedule 1 to this Act and to the other provisions of this Act (and without regard to any provision excluding their application by reason of the matters mentioned in paragraphs (a) to (c) of subsection (2) of this section).

(7) Nothing in this section shall affect the application of the Rent Acts to a tenancy to which they apply apart from this section.

Regulation of rent

PART I

2. The rent payable under a regulated tenancy shall, instead of being controlled,—

Rent under regulated tenancy. 1957 c. 25.

- (a) in England and Wales, by the Rent Act 1957 ;
- (b) in Scotland, by the Rent Acts, the Scottish Act of 1954, and the said Act of 1957,

be regulated in accordance with the following provisions of this Act.

3.—(1) Where the rent payable for any contractual period of a regulated tenancy of a dwelling-house would exceed the limit specified in the following provisions of this section, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

Limit on contractual rent.

(2) Where a rent for the dwelling-house is registered under this Act the said limit shall be the rent so registered.

(3) Where no rent for the dwelling-house is registered under this Act (whether or not Part II of this Act is in operation in the area in which the dwelling-house is situated) the said limit shall, subject to any adjustment under section 4 of this Act, be—

- (a) if not more than three years before the regulated tenancy began the dwelling-house was the subject of another regulated tenancy, the rent payable under that other tenancy (or, if there was more than one, the last of them) for the last rental period thereof ;
- (b) in any other case, the rent payable under the terms of the lease or agreement creating the tenancy, as varied, if the tenancy began before the commencement of this Act, by any agreement made before that commencement.

4.—(1) The following provisions of this section shall apply in relation to a contractual period for which the limit imposed by section 3 of this Act is that specified in subsection (3) thereof ; and in those provisions—

Adjustment, before registration, of limit imposed by section 3.

- “ the previous tenancy ” means the other regulated tenancy referred to in paragraph (a) of that subsection, and
- “ the previous terms ” means the terms referred to in paragraph (b) of that subsection.

(2) Where, under the terms of a regulated tenancy, there is, as respects—

- (a) the responsibility for any repairs, or
- (b) the provision of services for the tenant by the landlord or a superior landlord, or
- (c) the use of furniture by the tenant,

any difference compared with the terms of the previous tenancy or, as the case may be, the previous terms, such as to affect the

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amount of the rent which it is reasonable to charge, the said limit shall be increased or decreased by an appropriate amount.

(3) Where for any contractual period there is a difference between the amount (if any) of the rates borne by the landlord or a superior landlord in respect of the dwelling-house and the amount (if any) so borne during the last rental period of the previous tenancy, or, as the case may be, the first rental period for which the previous terms were agreed, the said limit shall be increased or decreased by the amount of the difference.

(4) Where for any contractual period there is an increase in the cost of the provision of the services (if any) provided for the tenant by the landlord or a superior landlord compared with that cost at the time the rent for the previous tenancy was agreed, or, as the case may be, the previous terms were agreed, such as to affect the amount of the rent which it is reasonable to charge, the said limit shall be increased by an appropriate amount.

(5) If an improvement has been effected in the dwelling-house and the improvement was completed after the commencement of this Act and after the time as from which the rent for the previous tenancy was agreed or, as the case may be, the previous terms were agreed, the said limit shall be increased by twelve and a half per cent. per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title.

(6) Where the previous terms provide for a variation of the rent in any of the circumstances mentioned in the preceding provisions of this section the said limit shall not be further varied under this section by reason of the same circumstances.

(7) Any question whether, or by what amount, the said limit is increased or decreased by virtue of subsection (2) or subsection (4) of this section shall be determined by the county court or, in Scotland, the sheriff, and any determination under this subsection—

- (a) may be made so as to relate to past rental periods; and
- (b) shall have effect as respects rental periods subsequent to those to which it relates until revoked or varied by a fresh determination.

Limit of
rent during
statutory
periods.

5. Except as otherwise provided by the following provisions of this Part of this Act, where the rent payable for any statutory period of a regulated tenancy would exceed the rent recoverable for the last contractual period thereof, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant.

6.—(1) Where no rent is registered under this Act for a dwelling-house then, whether or not Part II of this Act is in force in the area in which the dwelling-house is situated, the following provisions of this section shall have effect with respect to the rent recoverable for any statutory period under a regulated tenancy of the dwelling-house.

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Variation,
before
registration,
of rent
recoverable
during
statutory
periods.

(2) Where any rates in respect of the dwelling-house are, or were during the last contractual period, borne by the landlord or a superior landlord, then for any statutory period for which the amount of the rates, ascertained in accordance with Schedule 2 to the Rent Act 1957, differs from the amount, so ascertained, of the rates for the last contractual period the recoverable rent shall be increased or decreased by the amount of the difference; but the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date from which it is to take effect.

1957 c. 25.

(3) The said date shall not be earlier than six weeks, or, in the case of a dwelling-house in Scotland, six months, before the service of the notice, and if it is earlier than the service of the notice, any rent unpaid shall become due on the day after the service of the notice.

(4) Where, for any statutory period, there is as respects—

(a) the provision of services for the tenant by the landlord or a superior landlord, or

(b) the use of furniture by the tenant,

or any circumstances relating thereto any difference, in comparison with the last contractual period, such as to affect the amount of the rent which it is reasonable to charge, the recoverable rent for the statutory period shall be increased or decreased by an appropriate amount.

(5) Any question whether, or by what amount, the recoverable rent for any period is increased or decreased by virtue of subsection (4) of this section shall be determined by agreement in writing between the landlord and the tenant or by the county court or, in Scotland, the sheriff, and any such determination—

(a) may be made so as to relate to past statutory periods; and

(b) shall have effect as respects statutory periods subsequent to the periods to which it relates until revoked or varied by such an agreement or by the county court or sheriff.

(6) If an improvement has been effected in the dwelling-house and the improvement was completed after the commencement of this Act and after the time as from which the rent under the regulated tenancy was agreed, the recoverable rent for any

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statutory period beginning after the completion of the improvement shall be increased by twelve and a half per cent. per annum of the amount expended on the improvement by the landlord or any superior landlord or any person from whom the landlord or any superior landlord derives title; but the increase shall not take effect except in pursuance of a notice of increase served by the landlord on the tenant and specifying the increase and the date, which may be any date after the service of the notice, from which it is to take effect.

(7) A tenant on whom a notice specifying an increase authorised by the preceding subsection is served may, not later than one month after the service of the notice or such longer time as the court or sheriff may allow, apply to the county court or, in Scotland, the sheriff, for an order cancelling or reducing the increase on the ground that the improvement was unnecessary or that a greater amount was expended on it than was reasonable, and the court or sheriff may make an order accordingly and the order may relate to past as well as future statutory periods; but no application shall be made under this subsection if—

- (a) a grant has been made in respect of the improvement under section 30 of the Housing (Financial Provisions) Act 1958, section 111 of the Housing (Scotland) Act 1950, section 4 or 19 of the House Purchase and Housing Act 1959 or section 15 of the Airports Authority Act 1965, or
- (b) the tenant in writing consented to the improvement and acknowledged (in whatever terms) that the rent could be increased on account of the improvement.

1958 c. 42.
1950 c. 34.
1959 c. 33.
1965 c. 16.

Effect of registration on rent recoverable for statutory periods.

7. Where a rent for a dwelling-house is registered under this Act the following provisions shall apply with respect to the rent for any statutory period of a regulated tenancy of the dwelling-house, that is to say—

- (a) if the rent payable for the statutory period would exceed the rent so registered, the amount of the excess shall, notwithstanding anything in any agreement, be irrecoverable from the tenant;
- (b) if the rent payable for the statutory period would be less than the rent so registered, it may be increased up to the amount of that rent by a notice of increase served by the landlord on the tenant and specifying the date from which the increase is to take effect, but the date so specified shall not be earlier than the date on which the rent was registered nor earlier than four weeks before the service of the notice.

8. In ascertaining for the purposes of this Act whether there is any difference, as respects rents or rates, between a rental period and another rental period (whether of the same tenancy or not) or the amount of any such difference, any necessary adjustment shall be made to take account of periods of different lengths; and for the purposes of such an adjustment a period of one month shall be treated as equivalent to one-twelfth of a year and a period of a week as equivalent to one fifty-second of a year.

PART I
Adjustment for differences in lengths of rental periods.

9.—(1) A notice of increase under this Act must be in the prescribed form.

Notices of increase.

(2) Any such notice relating to statutory periods may be served during a contractual period.

(3) Where a notice of increase is served during a contractual period of a regulated tenancy and the tenancy could, by a notice to quit served by the landlord at the same time, have been brought to an end before the date specified in the notice of increase, the notice of increase shall operate to convert the tenancy into a statutory tenancy as from that date.

Conversion of certain existing controlled tenancies into regulated tenancies and release from rent regulation

10.—(1) Where a statutory tenancy subsisting under section 4 of the Requisitioned Houses and Housing (Amendment) Act 1955 would, but for this section, come to an end on 31st March 1966 by reason only of the limit on the operation of section 11(5) of the Rent Act 1957 as extended by the Protection from Eviction Act 1964, it shall not come to an end on that date but shall after that date be treated as a regulated tenancy.

Statutory tenancies of formerly requisitioned houses.
1955 c. 24.
1957 c. 25.
1964 c. 97.

(2) In relation to any rental period of such a tenancy beginning after the said date sections 5 and 6 of this Act shall have effect as if references therein to the last contractual period were references to the last rental period beginning before that date, and as if the rent recoverable for that period included any sum payable for that period by the local authority to the landlord under section 4(4) of the said Act of 1955.

(3) A statutory tenancy continued by virtue of this section shall be disregarded for the purposes of section 3(3)(a) of this Act.

11.—(1) Section 11(3) of the Rent Act 1957 (release from control) shall cease to have effect.

(2) In this section “existing controlled tenancy” means—

(a) a tenancy to which the Rent Acts apply apart from section 1 of this Act;

Power to convert existing controlled tenancies into regulated tenancies.

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(b) a statutory tenancy arising (whether before or after the commencement of this Act) on the termination of such a tenancy as is mentioned in paragraph (a) of this subsection.

(3) The Minister may by order provide as respects any area in England and Wales or in Scotland that where the rateable value on a date specified in the order of a dwelling-house in that area exceeded such amount as may be so specified and the dwelling-house is subject to an existing controlled tenancy the existing controlled tenancy shall be treated as a regulated tenancy, except in the case mentioned in subsection (7) of this section.

(4) An order under this section may contain such transitional provisions as appear to the Minister to be desirable.

(5) A tenancy or statutory tenancy to which an order under this section applies shall be disregarded for the purposes of section 3(3)(a) of this Act, and in relation to any rental period of such a statutory tenancy beginning after the order comes into operation sections 5 and 6 of this Act shall have effect as if references therein to the last contractual period were references to the last rental period beginning before the order comes into operation.

(6) A notice of increase served under section 7 of this Act in respect of an existing controlled tenancy which by virtue of an order under this section is treated as a regulated tenancy shall only be valid if the rent specified in it does not exceed by more than fifteen per cent. of the controlled rent the rent payable for the rental period beginning twelve months before the notice takes effect, except so far as the increase relates to such part of the rent registered under this Act as may in pursuance of the order be distinguished in the register as attributable to the provision of additional or improved services or furniture or the carrying out of an improvement; and in ascertaining for the purposes of this subsection the amount of the rent payable for any rental period, any amount payable in respect of rates borne by the landlord or a superior landlord shall be disregarded.

In this subsection "the controlled rent" means the rent payable for the last rental period beginning before the order comes into operation.

(7) The provision to be made by an order under this section with respect to an existing controlled tenancy which is one to which Part II of the Landlord and Tenant Act 1954 would have applied but for paragraph (c) of section 43(1) of that Act (or would have so applied had it been a tenancy within the meaning of that Act) shall be that the existing controlled tenancy shall be

treated for the purposes of that Act as a tenancy continuing by virtue of section 24 thereof after the expiry of a term of years certain.

(8) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

12.—(1) Where the Minister is satisfied with respect to every part of an area in England and Wales or in Scotland that the number of persons seeking to become tenants there— Release from rent regulation.

(a) of dwelling-houses exceeding a specified rateable value, or

(b) of any class or description of dwelling-house or of dwelling-house exceeding a specified rateable value,

is not substantially greater than the number of such dwelling-houses in that part, he may by order provide that no such dwelling-house in the area shall be the subject of a regulated tenancy.

(2) An order under this section may contain such transitional provisions, including provisions to avoid or mitigate hardship, as appear to the Minister to be desirable.

(3) The power to make an order under this section shall be exercisable by statutory instrument and no such order shall have effect unless it is approved by a resolution of each House of Parliament.

New provisions affecting recovery of possession

13.—(1) The following provisions of this section shall apply on the death of the tenant under a statutory tenancy (in this section referred to as the first successor) whose right to retain possession by virtue of the Rent Acts arose on the death of the person who had been the tenant under a tenancy to which those Acts applied. Second transmission on death.

(2) If either—

(a) the first successor leaves a widow who was residing with him at his death; or

(b) the first successor is a woman or leaves no such widow but a member of his family was residing with him for not less than six months immediately before his death,

the widow or member of the first successor's family (or, if more than one, such of them as may in default of agreement be decided by the county court or, in Scotland, the sheriff) shall be the second successor for the purposes of this section and, except in the case mentioned in subsection (5) of this section,

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the right to retain possession by virtue of the Rent Acts shall pass to him.

(3) The second successor (except in the case mentioned in subsection (5) of this section) shall be the tenant under a regulated tenancy, whether or not the tenancy mentioned in subsection (1) of this section was one to which the Rent Acts applied by virtue of section 1 of this Act; but where the Rent Acts applied to that tenancy apart from that section—

(a) this Act shall apply in relation to the regulated tenancy as if the last rental period beginning before the death of the first successor had been a contractual period; and

(b) the regulated tenancy shall be disregarded for the purposes of section 3(3)(a) of this Act.

(4) In the Rent Acts and this Act the expression "tenant" shall include any person who retains possession by virtue of the preceding provisions of this section.

(5) If the statutory tenancy mentioned in subsection (1) of this section was one to which, had it been a tenancy within the meaning of the Landlord and Tenant Act 1954, Part II of that Act would have applied but for paragraph (c) of section 43(1) of that Act, the second successor shall be deemed for the purposes of that Act to be the tenant under a tenancy continuing by virtue of section 24 thereof after the expiry of a term of years certain.

1954 c. 56.

Recovery of possession of owner-occupied houses.

14.—(1) Where a person who has occupied a dwelling-house as his residence (in this section referred to as the owner-occupier) has let the dwelling-house on a regulated tenancy and the conditions mentioned in subsection (2) of this section are satisfied, then if—

(a) apart from the Rent Acts the landlord would be entitled to recover possession of the dwelling-house; and

(b) the court is satisfied that the dwelling-house is required as a residence for the owner-occupier or any member of his family who resided with the owner-occupier when he last occupied the dwelling-house as a residence;

the court shall make an order for the possession of the dwelling-house, whether or not it would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.

(2) The said conditions are—

(a) that not later than the commencement of the tenancy (or if the tenancy was created before the commencement of this Act, not later than six months after the

commencement of this Act) the landlord has given notice in writing to the tenant that possession may be recovered under this section ; and

- (b) that the dwelling-house has not since the commencement of this Act been let by the owner-occupier on a regulated tenancy with respect to which the condition mentioned in paragraph (a) of this subsection was not satisfied.

15.—(1) Where a dwelling-house is held for the purpose of being available for occupation by a minister of religion as a residence from which to perform the duties of his office and the dwelling-house has been let on a regulated tenancy, then if—

- (a) the tenant has been given notice in writing not later than the commencement of the tenancy (or, if the tenancy was created before the commencement of this Act, not later than six months after the commencement of this Act) that possession may be recovered under this section ; and
- (b) apart from the Rent Acts the landlord would be entitled to recover possession of the dwelling-house ; and
- (c) the court is satisfied that the dwelling-house is required for occupation by a minister of religion as such a residence ;

the court shall make an order for the possession of the dwelling-house, whether or not it would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.

(2) In the application of this section to Scotland for any reference to a minister of religion there shall be substituted a reference to a minister or full-time lay missionary of any religious denomination.

16.—(1) The following provisions of this section shall apply where a dwelling-house which was at any time occupied by a person under the terms of his employment as a person employed in agriculture has been let on a regulated tenancy to a person other than—

- (a) a person who is or at any time was so employed by the landlord ; or
- (b) the widow of any such person as is mentioned in paragraph (a) of this subsection.

(2) If—

- (a) not later than the commencement of the tenancy (or, if the tenancy was created before the commencement of this Act, not later than six months after the commence-

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ment of this Act) the tenant has been given notice in writing that possession may be recovered under this section ; and

(b) apart from the Rent Acts the landlord would be entitled to recover possession of the dwelling-house ; and

(c) the court is satisfied that the dwelling-house is required for occupation by a person employed or to be employed by the landlord in agriculture ;

the court shall make an order for the possession of the dwelling-house, whether or not it would have power to do so under section 3 of the Act of 1933, and section 5(2) of the Act of 1920 shall not apply in relation to the order.

1948 c. 47.

1949 c. 30.

(3) In this section “ employed ”, “ employment ” and “ agriculture ” have the same meanings as in the Agricultural Wages Act 1948 or, in Scotland, the Agricultural Wages (Scotland) Act 1949.

Miscellaneous

Provisions
as to
improvements.

17.—(1) In this Act “ improvement ” includes structural alteration, extension or addition and the provision of additional fixtures or fittings, but does not include anything done by way of decoration or repair.

1958 c. 42.

1950 c. 34.

1959 c. 33.

1965 c. 16.

1956 c. 52.

(2) Where a grant has been made under section 30 of the Housing (Financial Provisions) Act 1958, section 111 of the Housing (Scotland) Act 1950, section 4 or 19 of the House Purchase and Housing Act 1959 or section 15 of the Airports Authority Act 1965 or a repayment has been made under section 12 of the Clean Air Act 1956 in respect of an improvement, the amount expended on the improvement shall for the purposes of this Act be taken as diminished by the amount of the grant or repayment.

1959 c. 25.

1956 c. 40.

(3) Where works have been carried out on a street under—

(a) section 174, 189 or 190 of the Highways Act 1959, or

(b) any of the enactments referred to in section 1 of the Local Government (Street Works) (Scotland) Act 1956,
or

(c) the corresponding provisions of any local Act,

and any dwelling-house having access to the street is the subject of a regulated tenancy, the amount of any expenditure incurred after the commencement of this Act by the landlord or superior landlord in the carrying out of the works, or of any liability so incurred by the landlord or a superior landlord in respect of the works to the authority by whom they were carried out (whether the liability is dischargeable in a lump sum or by instalments, but in the case of instalments exclusive of interest), shall (whether or not apart from this subsection it would be so

treated) be treated for the purposes of this Act as expenditure incurred by the landlord or superior landlord on an improvement effected in the dwelling-house.

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(4) For the purposes of the preceding subsection—

- (a) if benefit accrues from the carrying out of the works not only to the dwelling-house but also to other premises of the landlord or superior landlord, the amount to be treated as expenditure on an improvement effected in the dwelling-house shall be so much only of the expenditure or liability as may be determined by agreement in writing between the landlord and the tenant or by the county court or, in Scotland, the sheriff ; and
- (b) the amount of any expenditure shall be treated as diminished by the amount of any contribution made in respect thereof under any enactment.

(5) Subsection (7) of section 6 of this Act shall not apply to any increase authorised by virtue of subsection (3) of this section.

18.—(1) The references to a controlled tenancy in section 20(3) of the Rent Act 1957 (which makes provision with respect to rent limited by conditions imposed under certain enactments, including enactments replaced by those mentioned in paragraphs (a) and (b) of this subsection) shall be construed as not including a regulated tenancy ; and the said section 20(3) shall not apply in relation to any condition as to rent imposed after the commencement of this Act under—

Rents of
subsidised
private
houses.
1957 c. 25.

- (a) section 104(3) of the Housing Act 1957 (sale of houses by local authorities) ; or
- (b) section 46(1) of the Housing (Financial Provisions) Act 1958 (housing accommodation for members of the agricultural population provided under arrangements with local authorities) ;

but in relation to a condition so imposed—

- (i) the said section 104(3) shall have effect as if in paragraph (b) thereof the words “ to the limit imposed by section 20 of the Rent Act 1957 ” were omitted ; and
- (ii) the said section 46(1) shall have effect as if in paragraph (b) thereof for the words “ the limit imposed by section 20 of the Rent Act 1957 ” there were substituted the words “ such rent as the council may from time to time determine as being in its opinion the rent which it would have been appropriate for the council to charge if the house had been provided by the council ”.

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1957 c. 25.

(2) A regulated tenancy commencing while a condition imposed under the enactments mentioned in paragraphs (a) and (b) of the preceding subsection or section 10(2) or 20(1) of the Rent Act 1957 is in operation shall be disregarded for the purposes of section 3(3)(a) of this Act.

Duty of landlord to supply statement of rent under previous tenancy.

19. Where the rent payable for a contractual period of a regulated tenancy is subject to the limit imposed by paragraph (a) of section 3(3) of this Act the landlord shall, on being so requested in writing by the tenant (whether during a contractual or a statutory period of the tenancy) supply him with a statement in writing of the rent which was payable for the last rental period of the other regulated tenancy referred to in that paragraph; and if, without reasonable excuse, he fails to do so within twenty-one days of receiving the request or supplies a statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding fifty pounds and, on a second or subsequent conviction, to a fine not exceeding one hundred pounds.

Transitional

Tenancies ending before commencement of Act.

20.—(1) Where the tenancy of a dwelling-house has come to an end before the commencement of this Act and the tenancy would have been a regulated tenancy had this Act been then in force, then—

- (a) no order for the possession of the dwelling-house shall be made which would not be made if this Act had come into force before the termination of the tenancy; and
- (b) where a court has made such an order before the commencement of this Act but the order has not been executed, the court, if of opinion that the order would not have been made if this Act had been in force, may, on the application of the person against whom it was made, rescind or vary it in such manner as the court thinks fit for the purpose of giving effect to this Act.

(2) A person who retains possession by virtue of this section shall be deemed to do so under a statutory tenancy arising on the termination of a tenancy to which the Rent Acts applied by virtue of section 1 of this Act, and the terms as to rent and otherwise of that tenancy shall be deemed to have been the same, subject to any variations the court may specify, as those of the tenancy mentioned in subsection (1) of this section.

(3) A statutory tenancy deemed to arise by virtue of subsection (2) of this section shall be disregarded for the purposes of section 3(3)(a) of this Act.

(4) In the application of this section to Scotland, in subsection (1), for the expression "order for the possession of the dwelling-house" there shall be substituted the expression "decree of removing or warrant of ejection from the dwelling-house or other like order".

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PART II

REGISTRATION OF RENTS

21.—(1) This Part of this Act shall come into operation on such date as the Minister may by order appoint, and different days may be so appointed for different registration areas and, in England and Wales, for different parts of a registration area. Operation of Part II.

(2) The power to make an order under this section shall be exercisable by statutory instrument and includes power to vary or revoke any such order by a subsequent order.

22.—(1) The registration areas for the purposes of this Act shall, in England and Wales, be the areas of the following local authorities, that is to say, the councils of counties, county boroughs and London boroughs and the Common Council of the City of London; and for the purposes of this Act the area of the Common Council of the City of London shall be deemed to include the Inner Temple and the Middle Temple. Registration areas and rent officers in England and Wales.

(2) The Minister shall for every registration area make, after consultation with the local authority, a scheme providing for the appointment by the clerk to the local authority of such number of rent officers for the area as may be determined by or in accordance with the scheme and of deputy rent officers to exercise the functions of rent officers when rent officers are absent or incapacitated.

(3) A scheme under this section—

- (a) shall provide for the payment by the local authority to rent officers and deputy rent officers of remuneration and allowances in accordance with scales approved by the Minister with the consent of the Treasury;
- (b) shall prohibit the dismissal of a rent officer or deputy rent officer except by the clerk to the local authority on the direction or with the consent of the Minister;
- (c) shall require the local authority to provide for the rent officers office accommodation and clerical and other assistance;
- (d) shall allocate, or confer on the clerk to the local authority the duty of allocating, work as between the rent officers and shall confer on the clerk the duty of supervising the conduct of rent officers and deputy rent officers.

PART II
1937 c. 68.

1965 c. 51.
1965 c. 52.

(4) For the purposes of the Local Government Superannuation Act 1937 and any local Act scheme within the meaning of that Act rent officers and deputy rent officers appointed in pursuance of a scheme under this section shall be deemed to be officers in the employment of the local authority for whose area the scheme is made, and for the purposes of the National Insurance Act 1965 and the National Insurance (Industrial Injuries) Act 1965 they shall be deemed to be in that employment under a contract of service.

(5) References in this Act to the rent officer are references to any rent officer appointed for any area who is authorised to act in accordance with a scheme under this section.

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

(7) If different days are appointed under section 21 of this Act for different parts of a registration area a scheme under this section—

(a) shall be a separate scheme for such a part if it is made to take effect before this Part of this Act has come into operation in all parts of the area ; and

(b) may be such a separate scheme notwithstanding that it is made to take effect when this Part has come into operation in the whole of the area ;

and the preceding provisions of this section shall have effect, in relation to a scheme made for part of a registration area, as if the references to the registration area were references to that part.

(8) The Minister shall in respect of each financial year make to any local authority incurring expenditure which is attributable to this section a grant equal to that expenditure.

Default
powers of
Minister.

23.—(1) If the Minister is of opinion that a local authority have failed to carry out any functions conferred on them by a scheme under section 22 of this Act he may, after such inquiry as he may think fit, by order revoke the scheme and, without consulting the local authority, make another scheme under that section.

(2) A scheme made by virtue of subsection (1) of this section may confer functions otherwise exercisable by the local authority or the clerk to the local authority on a person appointed by the Minister, and that person may, if another local authority consent, be that other local authority or, as the case may be, the clerk to that other local authority.

(3) If the Minister is of opinion that the clerk to the local authority has failed to carry out any functions conferred on the clerk by a scheme under section 22 of this Act he may (after consultation with the local authority) exercise his power under

subsection (6) of that section by making a scheme providing for all or any of the functions otherwise exercisable by the clerk to be exercised by some other person.

(4) A scheme made by virtue of this section may contain such incidental and transitional provisions as appear to the Minister to be necessary or expedient.

24.—(1) In Scotland the registration areas for the purposes of this Act shall be— Registration areas and rent officers in Scotland.

(a) the large burghs,

(b) the counties including any small burghs in each of them, and large burgh and small burgh shall have the meanings assigned to them in the Local Government (Scotland) Act 1947. 1947 c. 43.

(2) The Secretary of State shall for every registration area, after consultation with the local authority for that area, appoint such number of rent officers for the area as he may think fit; and for the purposes of this subsection the Secretary of State may, after consultation with the local authorities concerned, make such groupings of registration areas as may seem to him expedient.

(3) The Secretary of State may pay to rent officers such remuneration and allowances as he may, with the approval of the Treasury, determine, defray their expenses to such amount as he may with the like approval determine, and may provide them with such accommodation and services as they may require.

(4) The Secretary of State may, with the approval of the Treasury, make such arrangements to provide for the superannuation of rent officers as he may consider appropriate; and where such arrangements in respect of a rent officer are made with a local authority the rent officer shall for the purposes of the Local Government Superannuation (Scotland) Act 1937 and of any local Act scheme within the meaning of that Act be deemed to be an officer of that local authority. 1937 c. 69.

(5) References in this Act to the rent officer are references to any rent officer appointed for any area under this section.

(6) Any reference in this Act to a registration area shall include a reference to a grouping of registration areas.

25. There shall be constituted rent assessment committees in Rent accordance with the provisions of Schedule 2 to this Act. assessment committees.

26.—(1) The rent officer for any area shall prepare and keep up to date a register for the purposes of this Act and shall make the register available for inspection in such place or Register of rents.

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places and in such manner as may be provided by the scheme made for the area under this Part of this Act or, in Scotland, as the Secretary of State may direct.

(2) The register shall contain, in addition to the rent payable under a regulated tenancy of a dwelling-house—

- (a) the prescribed particulars with regard to the tenancy; and
- (b) a specification of the dwelling-house.

(3) A copy of an entry in the register certified under the hand of the rent officer or any person duly authorised by him shall be receivable in evidence, and in Scotland shall be sufficient evidence of that entry, in any court and in any proceedings.

(4) A person requiring such a certified copy shall be entitled to obtain it on payment of the prescribed fee.

(5) Schedule 3 to this Act shall have effect with respect to applications for the registration of rents and the procedure to be followed on such applications and Schedule 4 to this Act shall have effect with respect to certificates of fair rent.

**Determination
of fair rent.**

27.—(1) In determining for the purposes of this Act what rent is or would be a fair rent under a regulated tenancy of a dwelling-house regard shall be had, subject to the following provisions of this section, to all the circumstances (other than personal circumstances), and in particular to the age, character and locality of the dwelling-house and to its state of repair.

(2) For the purpose of the determination it shall be assumed that the number of persons seeking to become tenants of similar dwelling-houses in the locality on the terms (other than those relating to rent) of the regulated tenancy is not substantially greater than the number of such dwelling-houses in the locality which are available for letting on such terms.

(3) There shall be disregarded—

- (a) any disrepair or other defect attributable to a failure by the tenant under the regulated tenancy or any predecessor in title of his to comply with any terms thereof, and
- (b) any improvement carried out, otherwise than in pursuance of the terms of the tenancy, by the tenant under the regulated tenancy or any predecessor in title of his.

**Amount to be
registered
as rent.**

28.—(1) The amount to be registered as the rent of any dwelling-house shall include any sums payable by the tenant to the landlord for the use of furniture or for services, whether or not those sums are separate from the sums payable for the occupation of the dwelling-house or are payable under separate agreements.

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(2) Where any rates in respect of a dwelling-house are borne by the landlord or a superior landlord the amount to be registered under this Act as the rent of the dwelling-house shall be the same as if the rates were not so borne; but the fact that they are so borne shall be noted on the register and the amount of the rates for any rental period, ascertained in accordance with Schedule 2 to the Rent Act 1957, shall be added to the limit imposed by section 3(2) of this Act and shall, if the rental period is a statutory period, be recoverable, without service of a notice of increase, in addition to the sums recoverable from the tenant apart from this subsection. 1957 c. 25.

(3) Where, under a regulated tenancy, the sums payable by the tenant to the landlord include any sums varying according to the cost from time to time of any services provided by the landlord or a superior landlord or of any works of maintenance or repair carried out by the landlord or a superior landlord, the amount to be registered under this Act as rent may, if the rent officer is satisfied or, as the case may be, the rent assessment committee are satisfied, that the terms as to the variation are reasonable, be entered as an amount variable in accordance with those terms.

29. If any person fails without reasonable cause to comply with any notice served on him under paragraph 10 of Schedule 3 to this Act requiring him to give the information specified in the notice to a rent assessment committee, he shall be liable on summary conviction to a fine not exceeding fifty pounds and, on a second or subsequent conviction, to a fine not exceeding one hundred pounds. Failure to give information.

PART III

PROTECTION AGAINST HARASSMENT AND EVICTION WITHOUT DUE PROCESS OF LAW

30.—(1) If any person unlawfully deprives the residential occupier of any premises of his occupation of the premises or any part thereof or attempts to do so he shall be guilty of an offence unless he proves that he believed, and had reasonable cause to believe, that the residential occupier had ceased to reside in the premises. Unlawful eviction and harassment of occupier.

(2) If any person with intent to cause the residential occupier of any premises—

- (a) to give up the occupation of the premises or any part thereof; or
- (b) to refrain from exercising any right or pursuing any remedy in respect of the premises or part thereof;

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does acts calculated to interfere with the peace or comfort of the residential occupier or members of his household, or persistently withdraws or withholds services reasonably required for the occupation of the premises as a residence, he shall be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both and, on a second or subsequent conviction, to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding six months or to both.

(4) Nothing in this section shall be taken to prejudice any liability or remedy to which a person guilty of an offence thereunder may be subject in civil proceedings.

(5) In this section "residential occupier", in relation to any premises, means a person occupying the premises as a residence, whether under a contract or by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession of the premises.

Restriction on re-entry without due process of law.

31. Where any premises are let as a dwelling on a lease which is subject to a right of re-entry or forfeiture it shall not be lawful to enforce that right otherwise than by proceedings in the court while any person is lawfully residing in the premises or part of them.

Prohibition of eviction without due process of law.

32.—(1) Where any premises have been let as a dwelling under a tenancy which is not a protected tenancy within the meaning of this Part of this Act and—

- (a) the tenancy (in this Part of this Act referred to as the former tenancy) has come to an end; but
- (b) the occupier continues to reside in the premises or part of them;

it shall not be lawful for the owner to enforce against the occupier, otherwise than by proceedings in the court, his right to recover possession of the premises.

(2) For the purposes of this Part of this Act a person who, under the terms of his employment, had exclusive possession of any premises otherwise than as a tenant shall be deemed to have been a tenant and the expressions "let" and "tenancy" shall be construed accordingly.

(3) In this Part of this Act "the owner", in relation to any premises, means the person who, as against the occupier, is entitled to possession thereof; and in this section "the occupier", in relation to any premises, means any person lawfully residing

in the premises or part of them at the termination of the former tenancy. PART III

(4) The preceding provisions of this section shall, with the necessary modifications, apply where the owner's right to recover possession arises on the death of the tenant under a statutory tenancy.

(5) Nothing in this section shall be taken to affect any rule of the law of Scotland prohibiting the securing of possession otherwise than by due process of law.

33.—(1) The following provisions of this section shall apply where the tenant under the former tenancy occupied the premises under the terms of his employment as a person employed in agriculture (as defined in section 17(1) of the Agricultural Wages Act 1948 or section 17 of the Agricultural Wages (Scotland) Act 1949). Special provisions with respect to agricultural employees. 1948 c. 47. 1949 c. 30.

(2) In this section "the occupier", in relation to any premises, means—

- (a) the tenant under the former tenancy; or
- (b) the widow or widower of the tenant under the former tenancy residing with him at his death or, if the former tenant leaves no such widow or widower, any member of his family residing with him at his death.

(3) Without prejudice to any power of the court apart from this section to postpone the operation or suspend the execution of an order for possession, if in proceedings by the owner against the occupier the court makes an order for the possession of the premises the court may suspend the execution of the order on such terms and conditions, including conditions as to the payment by the occupier of arrears of rent, mesne profits and otherwise as the court thinks reasonable.

(4) Where the court has under the preceding provisions of this section suspended the execution of an order for possession it may from time to time vary the period of suspension or terminate it and may vary any terms or conditions imposed by virtue of this section.

(5) In considering whether or how to exercise its powers under this section the court shall have regard to all the circumstances and, in particular, to the following, that is to say—

- (a) whether other suitable accommodation is or can be made available to the occupier;

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- (b) whether the efficient management of any agricultural land or the efficient carrying on of any agricultural operations would be seriously prejudiced unless the premises were available for occupation by a person employed or to be employed by the owner; and
- (c) whether greater hardship would be caused by the suspension of the execution of the order than by its execution without suspension or further suspension.

(6) Where in proceedings for the recovery of possession of the premises the court makes an order for possession but suspends the execution of the order by virtue of this section, it shall make no order for costs, unless it appears to the court, having regard to the conduct of the owner or of the occupier, that there are special reasons for making such an order.

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

- (a) for any reference to an order for possession there shall be substituted a reference to a decree of removing or warrant of ejection or other like order;
- (b) for the reference to mesne profits there shall be substituted a reference to compensation to the owner for loss of possession; and
- (c) for the reference to costs there shall be substituted a reference to expenses.

Meaning of
"protected
tenancy".
1954 c. 56.

34. In this Part of this Act "protected tenancy" means—

- (a) a tenancy to which the Rent Acts apply or Part I of the Landlord and Tenant Act 1954 applies;
- (b) a tenancy to which Part II of the Landlord and Tenant Act 1954 applies;
- (c) a tenancy of an agricultural holding in England and Wales;
- (d) a tenancy to which any of the following Acts apply—
 - (i) the Small Landholders (Scotland) Acts 1886 to 1931;
 - (ii) the Tenancy of Shops (Scotland) Acts 1949 and 1964;
 - (iii) the Agricultural Holdings (Scotland) Act 1949;
 - (iv) the Crofters (Scotland) Acts 1955 and 1961.

1949 c. 75.

The court.

35.—(1) The court for the purposes of this Part of this Act shall be, subject to the following provisions of this section,—

- (a) in England and Wales, in relation to premises with respect to which the county court has for the time

being jurisdiction in actions for the recovery of land, the county court and, in relation to other premises, the High Court; and

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(b) in Scotland, the sheriff.

(2) Any powers of a county court in proceedings for the recovery of possession of any premises in the circumstances mentioned in section 32(1) of this Act may be exercised with the leave of the judge by any registrar of the court, except in so far as rules of court otherwise provide.

(3) Nothing in this Part of this Act shall affect the jurisdiction of the High Court in proceedings to enforce a lessor's right of re-entry or forfeiture or to enforce a mortgagee's right of possession in a case where the former tenancy was not binding on the mortgagee, or any jurisdiction of the Court of Session in relation to actions of removing.

(4) Nothing in this Part of this Act shall affect the operation of—

- (a) section 59 of the Pluralities Act 1838 ; 1838 c. 106.
- (b) section 19 of the Defence Act 1842 ; 1842 c. 94.
- (c) section 6 of the Lecturers and Parish Clerks Act 1844 ; 1844 c. 59.
- (d) section 13 of the Compulsory Purchase Act 1965 ; 1965 c. 56.
- (e) section 89 of the Lands Clauses Consolidation (Scotland) Act 1845 ; 1845 c. 19.
- (f) section 403 of the Burgh Police (Scotland) Act 1892 ; or 1892 c. 55.
- (g) paragraph 3 of Schedule 1 to the Sexual Offences Act 1956 c. 69. 1956.

(5) Until such day as the Minister may by order made by statutory instrument appoint, nothing in this Part of this Act shall affect the operation of the Small Tenements Recovery Act 1838 c. 74, 1838 in so far as it has been applied by any other Act or of section 22(2), 45(3), 73(2) or 85(2) of the Housing Act 1957. 1957 c. 56.

(6) An order under the preceding subsection may contain such transitional provisions as may appear to the Minister to be expedient.

(7) A statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Her Majesty may by Order in Council direct that subsection (1) of this section shall have effect as if the references therein to the county court included such other inferior court as may be specified in the Order ; and any such Order may be revoked or varied by a subsequent Order.

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Application
to Crown.

36. In so far as this Part of this Act requires the taking of proceedings in the court for the recovery of possession or confers any powers on the court it shall be binding on the Crown.

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MISCELLANEOUS

Premiums.
1949 c. 40.

37.—(1) Section 2 of the Landlord and Tenant (Rent Control) Act 1949 (prohibition of premiums) shall be amended in accordance with Part I of Schedule 5 to this Act.

(2) Paragraph 5 of Schedule 1 to that Act (Premiums allowed on assignment where premium lawfully required on grant) shall be amended in accordance with Part II of Schedule 5 to this Act and, in relation to regulated tenancies, shall have effect subject to Part III of the said Schedule 5.

(3) In the application to Scotland of this section, Schedule 5 to this Act, and the said Act of 1949, "assignment" means assignation.

Restriction on
requiring
payment in
advance.
1957 c. 25.

38. Section 15 of the Rent Act 1957 (which restricts certain requirements for the payment in advance of rent under a tenancy granted, continued or renewed in circumstances to which section 13 of that Act applies) shall apply in relation to a regulated tenancy as it applies in relation to a tenancy granted, continued or renewed in those circumstances.

Furnished
houses.
1946 c. 34.

1964 c. 94.

39.—(1) The Furnished Houses (Rent Control) Act 1946 (in this section referred to as the Act of 1946) shall have effect subject to the following provisions of this section and shall not expire at the end of March 1966 (the date to which it was extended by the Expiring Laws Continuance Act 1964).

(2) The application of the Act of 1946 to any contract shall not be limited as mentioned in section 12 of the Rent Act 1957 but, subject to subsection (3) of this section,—

(a) the Act of 1946 shall not apply to a contract relating to any dwelling the rateable value of which on the appropriate day exceeded, in Greater London £400, and elsewhere in Great Britain £200 ;

(b) the Minister may by order provide that as from such date as may be specified in the order the Act of 1946 shall not apply to a contract (whether registered under that Act or not) relating to a dwelling the rateable value of which on such day as may be specified in the order exceeds such amount as may be so specified.

(3) Where a contract referred to a tribunal under the Act of 1946 relates to a dwelling consisting of or comprising part only of a hereditament, and no apportionment of the rateable value of the hereditament has been made under this Act, then unless the lessor—

(a) in the course of the proceedings requires that such an apportionment shall be made ; and

(b) within two weeks of making the requirement brings proceedings in the county court for the making of the apportionment ;

the tribunal shall have jurisdiction to deal with the reference if it appears to them that had the apportionment been made they would have had jurisdiction.

(4) An order under subsection (2)(b) of this section—

(a) may be made so as to relate to the whole of England and Wales or to such area in England and Wales as may be specified in the order, and so as to apply generally or only to, or except to, such classes or descriptions of dwellings as may be specified in the order ;

(b) may contain such transitional provisions as appear to the Minister to be desirable ;

(c) shall be made by statutory instrument ;

(d) shall not have effect unless it is approved by a resolution of each House of Parliament.

(5) The following provisions shall have effect with respect to contracts relating to dwellings situated in an area in which Part II of this Act is in force, that is to say,—

(a) if such a contract creates a regulated tenancy, the Act of 1946 shall not apply to the contract ;

(b) if such a contract does not create a regulated tenancy but the dwelling to which it relates is a dwelling-house for which a rent is registered under this Act, the rent payable under the contract shall not be reduced in pursuance of the Act of 1946 below the amount which would be recoverable from the tenant under a regulated tenancy of the dwelling-house.

(6) An application under section 11 of the Landlord and Tenant (Rent Control) Act 1949 for the extension of the period 1949 c. 40. at the end of which a notice to quit takes effect—

(a) may be made notwithstanding that the reference to a tribunal under the Act of 1946 was made after the service of the notice ;

(b) shall not be made where that period has been reduced by a direction under subsection (7) of this section.

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(7) Where a contract has been referred to a tribunal appointed under the Act of 1946 and the period at the end of which a notice to quit will take effect has been determined by section 5 of that Act or extended under section 11 of the said Act of 1949 then, if it appears to the tribunal, on an application made by the lessor for a direction under this subsection, that the lessee has not complied with the terms of the contract or that he or any person residing or lodging with him has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers or has been convicted of using the dwelling or allowing the dwelling to be used for an immoral or illegal purpose or that the condition of the dwelling has deteriorated owing to any act or neglect of the lessee or any such person, the tribunal may direct that the said period shall be reduced so as to end at a date specified in the direction.

(8) For each reference in the said section 5 or the said section 11 to three months there shall be substituted a reference to six months.

(9) In section 9(2) of the Act of 1946 (penalty for failure to comply with a notice under section 2(1) of that Act) for the words from "twenty pounds" to the end there shall be substituted the words "fifty pounds and, on a second or subsequent conviction, to a fine not exceeding one hundred pounds".

1949 c. 40.

(10) References in the Act of 1946 to a party to a contract shall include references to any person directly or indirectly deriving title from such a party, and the expression "lessor" and "lessee" in the Act of 1946, the Landlord and Tenant (Rent Control) Act 1949 and this section shall accordingly include any person directly or indirectly deriving title from the lessor and the lessee respectively.

(11) No right to occupy a house or part of a house for a holiday shall be treated for the purposes of the Act of 1946 as a right to occupy it as a residence.

(12) This section shall apply to Scotland subject to the following modifications, that is to say,—

1946 c. 34.

(a) for any reference to the Furnished Houses (Rent Control) Act 1946, or section 5 thereof, there shall be substituted respectively a reference to the Rent of Furnished Houses Control (Scotland) Act 1943 and to that Act as read with section 17(7) of the Landlord and Tenant (Rent Control) Act 1949;

1943 c. 44.

(b) in subsection (3), for any reference to a hereditament and for the reference to the county court there shall be substituted respectively a reference to lands and heritages and to the sheriff;

(c) in subsection (4), for any reference to England and Wales there shall be substituted a reference to Scotland; and

(d) in subsection (9) for the reference to section 9(2) of the Act of 1946 there shall be substituted a reference to section 7(2) of the said Act of 1943 (penalty for failure to give information required for registration under that Act), and the words in parenthesis shall be omitted.

40.—(1) Where a person who has occupied a dwelling as a residence (in this section referred to as the owner-occupier) has, by virtue of a contract to which the Act of 1946 applies, granted the right to occupy the dwelling to another person and—

Notice to quit furnished house let by owner-occupier.

(a) he has given notice in writing to that person, at or before the time when the right was granted (or, if it was granted before the commencement of this Act, not later than six months after the commencement of this Act) that he is the owner-occupier within the meaning of this section; and

(b) if the dwelling is part of a house, he does not occupy any other part of the house as his residence;

section 5 of the Act of 1946 and section 11 of the Act of 1949 shall not apply to a notice to quit the dwelling, if at the time the notice is to take effect the dwelling is required as a residence for the owner-occupier or any member of his family who resided with him when he last occupied the dwelling as a residence.

(2) In this section “the Act of 1946” means the Furnished Houses (Rent Control) Act 1946; and “the Act of 1949” means the Landlord and Tenant (Rent Control) Act 1949.

1946 c. 34.
1949 c. 40.

(3) In the application of this section to Scotland for any reference to the Act of 1946 or section 5 thereof there shall be substituted respectively a reference to the Rent of Furnished Houses Control (Scotland) Act 1943 and to that Act as read with section 17(7) of the Act of 1949.

1943 c. 44.

41.—(1) Where a tribunal constituted under the Furnished Houses (Rent Control) Act 1946 acts for an area (whether consisting of one or more districts in which that Act is in force) wholly comprised in the area for which a panel is formed under Schedule 2 to this Act the Minister may direct the president of the panel to exercise on behalf of the Minister the power to appoint the chairman and other members of the tribunal and any person to act in the place of a member during the member's absence or incapacity.

Appointment of rent tribunal by president of rent assessment panel.

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1958 c. 66.

(2) A person appointed by the president of a panel by virtue of a direction under this section shall be selected by the president from the panel; and while the direction is in force section 3 of the Tribunals and Inquiries Act 1958 (appointment of chairman) shall not apply to the tribunal, but the president shall appoint as chairman or person to act as chairman of the tribunal either himself or one of the other members of the panel appointed by the Lord Chancellor.

Mortgages of dwelling-houses to which Rent Acts apply.

42.—(1) Where—

- (a) any land consisting of or including a dwelling-house which is subject to a regulated tenancy is comprised in a legal mortgage created before the commencement of this Act and the tenancy is binding on the mortgagee; and
 - (b) the rateable value on the appropriate day of the dwelling-house together with that of any other such dwelling-house comprised in the mortgage is not less than one-tenth of the rateable value on the appropriate day of the whole of the land comprised in the mortgage; and
 - (c) the mortgagor is not in breach of his covenants (the covenant for the repayment of the principal money being disregarded for the purposes of this paragraph unless it provides for repayment by instalments); and
 - (d) the mortgage is not one to which the Rent Acts apply;
- the provisions of subsections (2) and (3) of this section shall apply in relation to the mortgage.

(2) Where—

- (a) the rate of interest payable in respect of the mortgage has been increased; or
- (b) a lower rent for a dwelling-house comprised in the mortgage has been registered under this Act than was payable immediately before the registration; or
- (c) the mortgagee, not being a mortgagee who was in possession at the commencement of this Act, has demanded payment of the principal money secured by the mortgage or has taken any steps for exercising any right of foreclosure or sale or for otherwise enforcing his security;

and the court, on an application made by the mortgagor within twenty-one days or such longer time as the court may allow, is satisfied that by reason thereof and of the operation of this Act the mortgagor would suffer severe financial hardship unless relief were given under this section, the court may by order make such provision limiting the rate of the interest, extending the time for the repayment of the principal money or otherwise

varying the terms of the mortgage or imposing any limitation or condition on the exercise of any right or remedy in respect thereof as to the court seems appropriate.

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(3) Where the mortgage comprises other land as well as a dwelling-house or dwelling-houses subject to a regulated tenancy and the court makes an order under the preceding subsection the order may, if the mortgagee so requests, make provision for apportioning the money secured by the mortgage between that other land and the dwelling-house or dwelling-houses; and where such an apportionment is made the other provisions of the order shall not apply in relation to that other land and the money secured by it, and the mortgage shall have effect for all purposes as two separate mortgages of the apportioned parts.

(4) The Rent Acts shall not apply to any mortgage created after the commencement of this Act and shall, in their application to any other mortgage, have effect subject to the following provision, that is to say, where the mortgagee satisfies the court that greater hardship would be caused if the restrictions imposed on the exercise of the mortgagee's rights and remedies by section 7 of the Act of 1920 continued to apply to the mortgage than if they were removed or modified the court may by order allow him to exercise such of those rights and remedies as may be specified in the order, on such terms and conditions as may be so specified.

(5) Where the court has made an order under this section it may vary or revoke it by a subsequent order.

(6) The court for the purposes of this section shall be the county court, except that where an application under subsection (2) of this section is made in pursuance of any step taken by the mortgagee in the High Court or the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham, it shall be that court.

(7) In this section "legal mortgage" includes a charge by way of legal mortgage and any charge registered under the Land Registration Act 1925.

1925 c. 21.

(8) This section shall apply to Scotland subject to the following modifications—

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

(6) The court for the purposes of this section shall be the sheriff, except that where an application under subsection (2) of this section is made in pursuance of any step taken by the creditor in the heritable security in the Court of Session it shall be that Court.

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1924 c. 27.

- (b) for any reference in this section to a legal mortgage or a mortgage there shall be substituted a reference to a heritable security, and for any reference to a mortgagor or a mortgagee there shall be substituted respectively a reference to the debtor in a heritable security and the creditor in a heritable security; and "heritable security" has the same meaning in this section as in the Conveyancing (Scotland) Act 1924 except that it includes a security constituted by *ex facie* absolute disposition or assignation;
- (c) for any reference to a covenant there shall be substituted a reference to an agreement or stipulation.

PART V

SUPPLEMENTAL

Rateable
value.

43.—(1) For the purposes of this Act, the rateable value of a dwelling-house on any day shall be ascertained as follows:—

- (a) if the dwelling-house is a hereditament (or, in Scotland, comprises lands and heritages) for which a rateable value is then shown in the valuation list (in Scotland on the valuation roll) it shall be that rateable value;
- (b) if the dwelling-house forms part only of such a hereditament or of such lands and heritages or consists of or forms part of more than one such hereditament, its rateable value shall be taken to be such value as is found by a proper apportionment or aggregation of the rateable value or values so shown.

(2) Any question arising under this section as to the proper apportionment or aggregation of any value or values shall be determined by the county court or, in Scotland, the sheriff and the decision of the county court or sheriff shall be final.

(3) In this Act "the appropriate day" means, in relation to a dwelling-house which on 23rd March 1965 was or formed part of a hereditament for which a rateable value was shown in the valuation list then in force, or consisted or formed part of more than one such hereditament, or, as the case may be, was or formed part of lands and heritages for which a rateable value was shown on the valuation roll then in force, that day, and in relation to any other dwelling-house, the date on which such a value is first shown in the valuation list or on the valuation roll.

(4) Where after the date which is the appropriate day in relation to any dwelling-house the valuation list or valuation roll is altered so as to vary the rateable value of the hereditament

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or lands and heritages of which the dwelling-house consists or forms part and the alteration has effect from a date not later than that date, the rateable value of the dwelling-house on the appropriate day shall be ascertained as if the value shown in the valuation list or on the valuation roll on the appropriate day had been the value shown in the list or on the roll as altered.

(5) The preceding provisions of this section shall apply in relation to any other land as they apply in relation to a dwelling-house.

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

45. Where an application is made to the sheriff for an order or a determination under this Act it shall be made by way of summary application, and the application shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts 1837 to 1889, and the determination of the sheriff on any such application shall be final. Proceedings in Scotland.

46.—(1) The Minister may make regulations— Regulations.

- (a) prescribing the form of any notice, application, register or other document to be given, made or used in pursuance of this Act ;
- (b) regulating the procedure to be followed by rent officers and rent assessment committees ; and
- (c) prescribing anything required or authorised to be prescribed by this Act.

(2) Regulations made under paragraph (b) of the preceding subsection may contain provisions modifying Schedule 3 or Schedule 4 to this Act, but no regulations containing such provisions shall have effect unless approved by a resolution of each House of Parliament.

(3) Regulations made under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, except in a case falling within the preceding subsection.

47.—(1) In this Act— Interpretation.

“ Act of 1920 ” means the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 ; 1920 c. 17.

PART V
1933 c. 32.

“ Act of 1933 ” means the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 ;

1954 c. 53.

“ Act of 1954 ” means the Housing Repairs and Rents Act 1954 ;

1948 c. 63.

“ agricultural holding ” has the same meaning as in the Agricultural Holdings Act 1948 ;

“ appropriate day ” has the meaning assigned to it by section 43(3) of this Act ;

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

“ improvement ” has the meaning assigned to it by section 17 of this Act ;

“ landlord ”, “ tenant ” and “ tenancy ” have the same meanings as in the Act of 1920 ;

“ the Minister ”, in the application of this Act to England and Wales, means, subject to section 48 of this Act, the Minister of Housing and Local Government and, in the application of this Act to Scotland, means the Secretary of State ;

“ prescribed ” means prescribed by regulations under this Act, and references in this Act to a prescribed form include references to a form substantially to the same effect as the prescribed form ;

“ rateable value ” shall be construed in accordance with section 43 of this Act ;

“ rates ”—

1930 c. 44.

(a) in England and Wales includes water rates and charges but does not include an owner's drainage rate within the meaning of section 24(2)(a) of the Land Drainage Act 1930,

1947 c. 43.

(b) in Scotland means any charge payable in respect of a rate as defined in the Local Government (Scotland) Act 1947,

and references in this Act to rates in respect of a dwelling-house include references to such proportion of any rates in respect of a hereditament or of lands and heritages of which the dwelling-house forms part as may be agreed in writing between the landlord and the tenant or determined by the county court or sheriff ;

“ regulated tenancy ” has the meaning assigned to it by section 1(4) of this Act ;

“ the Rent Acts ” means the Rent and Mortgage Interest Restrictions Acts 1920 to 1939 or any of those Acts ;

- “rental period”** means a period in respect of which a payment of rent falls to be made ; PART V
- “the Scottish Act of 1954”** means the Housing (Repairs and Rents) (Scotland) Act 1954 ; 1954 c. 50.
- “statutory period”** has the meaning assigned to it by section 1(5) of this Act ;
- “statutory tenancy”** has the same meaning as in the Act of 1954 or, as the case may be, the Scottish Act of 1954.

(2) In the application of this Act to Scotland any provision referring to Schedule 2 to the Rent Act 1957 shall have effect as if that Schedule with the following modifications were part of the law of Scotland :— 1957 c. 25.

- (a) for any reference to six weeks there shall be substituted a reference to six months ;
- (b) in paragraph 4, for any reference to a proposal there shall be substituted a reference to a question which is the subject of an appeal or complaint duly made in accordance with the provisions of the Lands Valuation (Scotland) Act 1854 and the Acts amending that Act. 1854 c. 91.

(3) References in this Act to any enactment are references to that enactment as amended, and include references thereto as applied, by any other enactment including, except where the context otherwise requires, this Act.

48.—(1) In its application to Wales this Act shall have effect as if for references to the Minister there were substituted references to the Secretary of State, except in so far as this Act relates— Application to Wales.

- (a) to any order relating to an area partly outside Wales ;
or
- (b) to regulations prescribing anything other than the form of any notice, application or other document, or prescribing the form of any register.

(2) In this section “Wales” includes Monmouthshire.

49.—(1) This Act shall, in its application to the Isles of Scilly have effect subject to such exceptions, adaptations and modifications as the Minister may by order direct. Application to Isles of Scilly.

(2) The power to make an order under this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) An order under this section may be varied or revoked by a subsequent order.

PART V
Expenses. **50.** There shall be paid out of moneys provided by Parliament any expenses of the Minister under this Act and any increase attributable to this Act in the sums payable out of moneys so provided under any other enactment.

Minor and consequential amendments. **51.** The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Act.

Repeals. **52.—**(1) The enactments mentioned in Schedule 7 to this Act are hereby repealed to the extent specified in the third column of that Schedule, but those mentioned in Part II of that Schedule only from the day appointed under section 35(5) of this Act.

1964 c. 97. (2) Any suspension under the Protection from Eviction Act 1964 of the execution of an order for possession or of a decree of removing or warrant of ejection shall, if in force at the commencement of this Act, continue in force and may be terminated as if that Act had not been repealed.

Short title, commencement and extent. **53.—**(1) This Act may be cited as the Rent Act 1965.
(2) This Act, except Part II, shall come into force at the expiration of the period of one month beginning with the date on which it is passed.
(3) Sections 10, 22, 23, 31, 41, 48, and 49 of this Act do not extend to Scotland and sections 24 and 45 of this Act extend to Scotland only.
(4) This Act does not extend to Northern Ireland.

SCHEDULES

SCHEDULE 1

Section 1.

AMENDMENT OF THE RENT ACTS IN RELATION TO REGULATED TENANCIES

PART I

AMENDMENTS FOR DETERMINING WHETHER TENANCY IS REGULATED TENANCY

THE INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT 1920 (10 & 11 Geo. 5. c. 17)

1.—(1) Subsection (2) of section 12 shall apply as if in the proviso paragraph (ii) were omitted and for paragraph (iii) there were substituted the following—

(iii) for the purposes of this Act any land or premises let together with a dwelling-house shall, unless the land or premises so let consists or consist of agricultural land (within the meaning of section 2 of the Rating and Valuation (Apportionment) Act 1928 or section 8 of the Rent and Mortgage Interest Restrictions Act 1939) exceeding two acres in extent, be treated as part of the dwelling-house; but save as aforesaid, this Act shall not apply to any dwelling-house let together with land other than the site of the dwelling-house. 1928 c. 44. 1939 c. 71.

(2) Subsection (3) of that section shall not apply.

(3) Subsection (7) of that section shall apply as if the reference therein to rateable value were a reference to rateable value on the appropriate day within the meaning of this Act.

(4) Subsections (9) and (10) of that section shall not apply.

THE RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT) ACT 1933 (23 & 24 Geo. 5. c. 32)

2. For subsection (3) of section 1 there shall be substituted the following subsection—

(3) The principal Acts shall not apply to any dwelling-house consisting of, or comprising, premises licensed for the sale of intoxicating liquor for consumption on the premises.

THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACT 1939 (2 & 3 Geo. 6. c. 71)

3. In section 3(3) the words preceding “for the purposes” shall be omitted.

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PART II

AMENDMENTS OF ACTS IN THEIR APPLICATION TO
REGULATED TENANCIESTHE INCREASE OF RENT AND MORTGAGE INTEREST
(RESTRICTIONS) ACT 1920
(10 & 11 Geo. 5, c. 17)

4. So much of the Act as relates to mortgages shall not apply.

5.—(1) In subsection (2) of section 5 for the reference to the passing of the Act of 1920 there shall be substituted a reference to the commencement of this Act.

(2) Subsection (3) of that section shall not apply.

(3) Subsection (7) of that section shall have effect as if it specified the commencement of this Act instead of the date mentioned therein.

6. Section 14 shall apply as if any sum in respect of rent which is irrecoverable by virtue of this Act were irrecoverable by virtue of the Act of 1920.

THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACT 1923
(13 & 14 Geo. 5, c. 32)

7. So much of the Act as relates to mortgages shall not apply.

8. Section 3 shall not apply.

9. Sections 6(1) and 8(1) shall apply to notices of increase under this Act.

THE RENT AND MORTGAGE INTEREST RESTRICTIONS
(AMENDMENT) ACT 1933
(23 & 24 Geo. 5, c. 32)

10.—(1) Subsections (2) and (3) of section 4 shall not apply.

(2) In subsection (4) of that section for the reference to the date of the passing of the Act of 1933 there shall be substituted a reference to the commencement of this Act.

11. In section 16, in the definition of "recoverable rent", for the words "the principal Acts" there shall be substituted the words "the Rent Act 1965".

12.—(1) In paragraph (d) of Schedule 1 for the reference to the date mentioned therein there shall be substituted a reference to the commencement of this Act.

(2) Paragraph (e) of that Schedule shall not apply.

(3) In paragraph (h) of that Schedule, for the reference to the date mentioned therein there shall be substituted a reference to 23rd March 1965, and after the word "mother" there shall be inserted the words "or the father or mother of his spouse".

**THE INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS)
ACT 1938 (1 & 2 Geo. 6 c. 26)**

SCH. 1

13. So much of the Act as relates to mortgages shall not apply.

14. Section 7(5) shall apply as if references therein to the principal Acts included references to this Act and shall apply in relation to any document to be served on the landlord of a dwelling-house, whether by the tenant or any other person.

**THE RENT AND MORTGAGE INTEREST RESTRICTIONS ACT 1939
(2 & 3 GEO. 6 c. 71)**

15. Sections 4 and 6 shall not apply.

SCHEDULE 2

Section 25.

RENT ASSESSMENT COMMITTEES

1. The Minister shall draw up and from time to time revise panels of persons to act as chairmen and other members of rent assessment committees for such areas, comprising together every registration area, as the Minister may from time to time determine.

2. Each panel shall consist of a number of persons appointed by the Lord Chancellor and a number of persons appointed by the Minister and, if the Minister thinks fit, a number of persons appointed by him to act only in case of absence or incapacity of other members of the panel.

3. The Minister shall nominate one of the persons appointed by the Lord Chancellor to act as president of the panel, and one or more such persons to act as vice-president or vice-presidents.

4. Subject to the following provisions of this Schedule, the number of assessment committees to act for any area and the constitution of those committees shall be determined by the president of the panel formed for that area or, in the case of the president's absence or incapacity, by the vice-president or, as the case may be, one of the vice-presidents.

5. Subject to paragraph 6 of this Schedule, each rent assessment committee shall consist of a chairman and one or two other members, and the chairman shall be either the president or vice-president (or, as the case may be, one of the vice-presidents) of the panel or one of the other members appointed by the Lord Chancellor.

6. The president of the panel may, if he thinks fit, direct that when dealing with such cases or dealing with a case in such circumstances as may be specified in the direction the chairman sitting alone may, with the consent of the parties, exercise the functions of a rent assessment committee.

7. There shall be paid to members of panels such remuneration and allowances as the Minister, with the consent of the Treasury, may determine.

8. The president of the panel may appoint, with the approval of the Minister as to numbers, such clerks and other officers and servants of rent assessment committees as he thinks fit, and there shall be paid to the clerks and other officers and servants such salaries and

SCH. 2 allowances as the Minister, with the consent of the Treasury, may determine.

9. The remuneration and allowances of members of panels and the salaries and allowances of clerks and other officers and servants appointed under this Schedule, and such other expenses of a panel as the Treasury may determine, shall be defrayed out of moneys provided by Parliament.

10. In the application of this Schedule to Scotland the following provisions shall have effect in lieu of paragraphs 1 to 5, that is to say,—

- (a) the Secretary of State shall draw up and from time to time revise a panel of persons to act as chairmen and other members of rent assessment committees ;
- (b) there shall be one panel for the registration areas in Scotland ;
- (c) the panel shall consist of a number of persons appointed by the Secretary of State, and, if the Secretary of State thinks fit, a number of persons appointed to act only in case of absence or incapacity of other members of the panel ;
- (d) the Secretary of State shall nominate two of the persons on the panel to act as president and vice-president of the panel ;
- (e) subject to the following provisions of this Schedule, the number of assessment committees to act for any registration area and the constitution of those committees shall be determined by the president of the panel or, in the case of the president's absence or incapacity, by the vice-president ;
- (f) subject to paragraph 6 of this Schedule, each rent assessment committee shall consist of a chairman and one or two other members.

Section 26.

SCHEDULE 3

REGISTRATION OF RENTS

Application for registration

1. An application for the registration of a rent for a dwelling-house may be made to the rent officer by the landlord or the tenant, or jointly by the landlord and the tenant, under a regulated tenancy of the dwelling-house.

2. Any such application must be in the prescribed form and contain the prescribed particulars in addition to the rent which it is sought to register.

3. Where a rent for any dwelling-house has been registered under this Act no application by the tenant alone or by the landlord alone for the registration of a different rent for that dwelling-house shall be entertained before the expiration of a period of three years from the following date, that is to say—

- (a) where on an application for the registration of a different rent the registered rent has been confirmed, the date of that application (or if more than one the last of them) ;

(b) in any other case, the date on which the registration took effect;

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except on the ground that since that date there has been such a change in the condition of the dwelling-house (including the making of any improvements therein), the terms of the tenancy or any other circumstances taken into consideration when the rent was registered or confirmed as to make the registered rent no longer a fair rent.

Procedure on applications to rent officer

4. On receiving any application for the registration of a rent the rent officer may, by notice in writing served on the landlord or the tenant (whether or not the applicant or one of the applicants) require him to give to the rent officer, within such period not less than seven days from the service of the notice as may be specified in the notice, such information as he may reasonably require regarding such of the particulars contained in the application as may be specified in the notice.

5. Where the application is made by the landlord alone the rent officer shall serve on the tenant, and where it is made by the tenant alone he shall serve on the landlord, a notice informing him of the application and specifying a period, not less than seven days from the service of the notice, during which representations in writing may be made to the rent officer against the registration of the rent specified in the application.

6. Where—

(a) the application is made jointly by the landlord and the tenant, or

(b) no representations are made as mentioned in the preceding paragraph,

and it appears to the rent officer, after making such inquiry, if any, as he thinks fit and considering any information supplied to him in pursuance of paragraph 4 of this Schedule, that the rent specified in the application is a fair rent, he may register that rent without further proceedings, and if he does so he shall notify the landlord and the tenant accordingly.

7. Where representations are made as mentioned in paragraph 5 of this Schedule or the rent officer is not satisfied that the rent specified in the application is a fair rent (or that the rent for the time being registered is no longer a fair rent) he shall serve a notice on the landlord and on the tenant informing him that he proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice to consider in consultation with the landlord and the tenant, or such of them as may appear at that time and place, what rent ought to be registered for the dwelling-house or, as the case may be, whether a different rent ought to be registered; and at any such consultation the landlord and tenant may each be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

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8. After considering, in accordance with the preceding paragraph, what rent ought to be registered or, as the case may be, whether a different rent ought to be registered, the rent officer shall, as the case may require,—

- (a) determine a fair rent and register it as the rent for the dwelling-house ; or
- (b) confirm the rent for the time being registered and note the confirmation in the register ;

and shall notify the landlord and the tenant accordingly by a notice stating that if, within twenty-eight days of the service of the notice or such longer period as he or a rent assessment committee may allow, an objection in writing is received by the rent officer from the landlord or the tenant the matter will be referred to a rent assessment committee.

9.—(1) If such an objection is received, then—

- (a) if it is received within the said twenty-eight days or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
- (b) if it is received after the said twenty-eight days, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) The rent officer shall indicate in the register whether the matter has been referred to a rent assessment committee in pursuance of this paragraph.

Determination of fair rent by rent assessment committee

10. The rent assessment committee to whom a matter is referred under paragraph 9 of this Schedule may by notice in the prescribed form served on the landlord or the tenant require him to give to the committee, within such period, not less than fourteen days from the service of the notice, as may be specified in the notice, such further information, in addition to any given to the rent officer in pursuance of paragraph 4 of this Schedule, as they may reasonably require and shall serve on the landlord and on the tenant a notice specifying a period, not less than fourteen days from the service of the notice, during which either representations in writing or a request to make oral representations may be made by him to the committee.

11. Where within the period specified under the preceding paragraph, or such further period as the committee may allow, the landlord or the tenant requests to make oral representations the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

12. The committee shall make such inquiry, if any, as they think fit and consider any information supplied or representation made to them in pursuance of paragraph 10 or paragraph 11 of this Schedule and—

- (a) if it appears to them that the rent registered or confirmed by the rent officer is a fair rent, they shall confirm that rent ;

(b) if it does not appear to them that that rent is a fair rent, they shall determine a fair rent for the dwelling-house ;

and shall notify the landlord and the tenant and the rent officer accordingly ; and on receiving the notification the rent officer shall, as the case may require, either indicate in the register that the rent has been confirmed or register the rent determined by the committee as the rent for the dwelling-house.

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Effect of registration

13. The registration of any rent for a dwelling-house shall take effect as from the date of the application for the registration, unless the rent officer or, as the case may be, the rent assessment committee, determine that it shall take effect as from a later date.

14. The date from which the registration takes effect shall be entered in the register and as from that date any previous registration of a rent for the dwelling-house shall cease to have effect.

15. Where a valid notice of increase has been served on a tenant and, in consequence of the registration of a rent, part but not the whole of the increase specified in the notice becomes irrecoverable from the tenant, the registration shall not invalidate the notice, but the notice shall, as from the date from which the registration takes effect, have effect as if it specified such part only of the increase as has not become irrecoverable.

Applications supported by certificates of fair rent

16.—(1) Where a certificate of fair rent has been issued in respect of a dwelling-house, an application for the registration of a rent for the dwelling-house in accordance with the certificate may be made within three years of the date of the certificate either—

(a) by the landlord under such a regulated tenancy of the dwelling-house as is specified in the certificate, or

(b) by a person intending to grant such a regulated tenancy of the dwelling-house ;

and the following provisions of this paragraph shall have effect, in lieu of paragraphs 4 to 12 of this Schedule, with respect to an application so made.

(2) On receiving such an application the rent officer shall ascertain whether the works specified in the certificate have been carried out in accordance with the plans and specifications which accompanied the application for the certificate or, as the case may be, whether the condition of the dwelling-house is the same as at the date of the certificate and—

(a) if he is satisfied that the works have been so carried out or, as the case may be, the dwelling-house is in that condition he shall register the rent in accordance with the certificate ;

(b) if he is not so satisfied he shall serve on the applicant a notice stating the matters with respect to which he is not so satisfied and informing him that if within fourteen days from the service of the notice or such longer period as the

SCH. 3

rent officer or a rent assessment committee may allow the applicant makes a request in writing to that effect the rent officer will refer the matter to a rent assessment committee.

(3) If such a request is made, then—

- (a) if it is made within the said fourteen days or a rent assessment committee so direct, the rent officer shall refer the matter to a rent assessment committee ;
- (b) if it is made after the said fourteen days, the rent officer may either refer the matter to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(4) The rent assessment committee to whom a matter is referred under this paragraph shall give the applicant an opportunity to make representations in writing or to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor and, after considering any representations made under this paragraph, they shall notify the rent officer and the applicant whether they are satisfied as mentioned in sub-paragraph (2) of this paragraph and shall—

- (a) if they are so satisfied direct the rent officer to register the rent in accordance with the certificate ;
- (b) if not so satisfied direct the rent officer to refuse the application for registration.

(5) Where a rent is registered in pursuance of an application made under this paragraph by a person who intends to grant a regulated tenancy the registration shall be provisional only until the regulated tenancy is granted and shall be of no effect unless the rent officer is notified in the prescribed manner within one month from the date of the registration or such longer time as the rent officer may allow that the regulated tenancy has been granted.

(6) Where a registration is made as mentioned in the preceding sub-paragraph the rent officer shall indicate in the register that it is so made and—

- (a) if he is notified as mentioned in that sub-paragraph that the regulated tenancy has been granted he shall indicate that fact in the register ;
- (b) if he is not so notified he shall delete the registration.

Dwelling-houses improved with assistance of local authorities

17.—(1) The following provisions of this paragraph shall apply where a condition relating to rent has been imposed as respects any dwelling-house under section 33 of the Housing (Financial Provisions) Act 1958 or that section as extended by section 7 of the House Purchase and Housing Act 1959, or under section 114(1) of the Housing (Scotland) Act 1950 or that section as extended by section 22 of the said Act of 1959.

(2) If no rent for the dwelling-house is registered under this Act, no application for the registration of such a rent shall be entertained while the said condition is in operation.

1958 c. 42.
1959 c. 33.
1950 c. 34.

(3) If a rent differing from the limit imposed by the said condition is registered for the dwelling-house under this Act, paragraphs 4 to 12 of this Schedule shall not apply in relation to an application for the registration of a rent equal to that limit made by the landlord under a regulated tenancy of the dwelling-house, but on an application so made the rent officer shall register the said rent.

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(4) If the limit imposed by the said condition includes an amount in respect of any rates borne or to be borne by the landlord or a superior landlord the said limit shall be treated for the purposes of this paragraph as reduced by that amount.

Subsidised dwelling-houses

18. Where a condition as to rent has been imposed as respects any dwelling-house under any of the enactments mentioned in section 10(2) or 20(1) of the Rent Act 1957 or section 18 of this Act 1957 c. 25. no application for the registration of a rent for the dwelling-house shall be entertained while the condition is in operation.

SCHEDULE 4

Section 26.

CERTIFICATES OF FAIR RENT

1. A person intending—

- (a) to provide a dwelling-house by the erection or conversion of any premises or to make any improvements in a dwelling-house, or
- (b) to let on a regulated tenancy a dwelling-house which is not for the time being subject to such a tenancy and which satisfies the condition that either no rent for it is registered under this Act or that not less than three years have elapsed since the date mentioned in paragraph 3 of Schedule 3 to this Act,

may apply to the rent officer for a certificate, to be known as a certificate of fair rent, specifying a rent which in the opinion of the rent officer would be a fair rent under a regulated tenancy of the dwelling-house or, as the case may be, of the dwelling-house after the erection or conversion or after the completion of the improvements.

2. The said regulated tenancy shall be assumed to be a tenancy on such terms as may be specified in the application and, except in so far as other terms are so specified, on the terms that the tenant would be liable for internal decorative repairs but no others and no services or furniture would be provided for him.

3. An application under paragraph 1 of this Schedule must be in the prescribed form, must state the rent to be specified in the certificate and (except in the case mentioned in sub-paragraph (b) of that paragraph) must be accompanied by plans and specifications of the works to be carried out and, if the works to be carried out are works of improvement, must state whether the dwelling-house is for the time being subject to a regulated tenancy.

4.—(1) If it appears to the rent officer that the information supplied to him is insufficient to enable him to issue a certificate of fair rent he shall serve on the applicant a notice stating that he will not

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entertain the application and that, if a request in writing to that effect is made by the applicant within fourteen days from the service of the notice or such longer period as the rent officer or a rent assessment committee may allow, the rent officer will refer the application to a rent assessment committee.

(2) If such a request is made, then—

- (a) if it is made within the said fourteen days or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee ;
- (b) if it is made after the said fourteen days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

5. If it appears to the rent officer that the information supplied to him is sufficient and that the rent stated in the application would be a fair rent he may, unless the dwelling-house is subject to a regulated tenancy, issue a certificate specifying that rent and the other terms referred to in paragraph 2 of this Schedule.

6. If it appears to the rent officer that the information is sufficient but either he is not satisfied that the rent stated in the application would be a fair rent or the dwelling-house is subject to a regulated tenancy, he shall serve on the applicant a notice stating that he proposes, at a time (which shall not be earlier than seven days after the service of the notice) and place specified in the notice, to consider in consultation with the applicant, if present at that time and place, what rent ought to be specified in the certificate ; and at any such consultation the applicant may be represented by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

7. After considering in accordance with the preceding paragraph what rent ought to be specified in the certificate the rent officer shall determine a fair rent and shall serve on the applicant a notice stating that he proposes to issue a certificate specifying that rent, unless within fourteen days from the service of the notice, or such longer period as the rent officer or a rent assessment committee may allow, the applicant requests in writing that the application should be referred to a rent assessment committee.

8.—(1) If such a request is made, then—

- (a) if it is made within the said fourteen days or a rent assessment committee so direct, the rent officer shall refer the application to a rent assessment committee ;
- (b) if it is made after the said fourteen days, the rent officer may either refer the application to a rent assessment committee or seek the directions of a rent assessment committee whether so to refer it.

(2) If no such request is made or if such a request is made but the application is not referred to a rent assessment committee the rent officer shall issue the certificate.

9. Where an application is referred to a rent assessment committee, then if the reference is under paragraph 4 of this Schedule and it appears to the committee that the information supplied by the

applicant to the rent officer is insufficient to enable a certificate of fair rent to be issued they shall notify the applicant accordingly.

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10. In any other case they shall serve on the applicant a notice specifying a period, not less than fourteen days from the service of the notice, during which either representations in writing or a request to make oral representations may be made by him to the committee.

11. Where within the period specified under the preceding paragraph, or such further period as the committee may allow, the applicant requests to make oral representations, the committee shall give him an opportunity to be heard either in person or by a person authorised by him in that behalf, whether or not that person is of counsel or a solicitor.

12. After considering any representation made to them in pursuance of paragraph 10 or paragraph 11 of this Schedule the committee shall determine a fair rent for the dwelling-house and shall notify the applicant and the rent officer accordingly; and on receiving the notification the rent officer shall issue to the applicant a certificate of fair rent specifying the rent determined by the committee.

13. Where an application under this Schedule is made with respect to a dwelling-house which it is intended to improve and the dwelling-house is subject to a regulated tenancy—

- (a) a notice under paragraph 6, 7, 10 or 12 of this Schedule shall be served on the tenant as well as on the applicant and any notice served under the said paragraph 6, 7 or 10 shall refer to consultation with, or, as the case may be, a request or representations by, the tenant as well as the applicant;
- (b) the tenant may make representations, request reference to a rent assessment committee and be present or represented in like manner as the applicant, and references in this Schedule to the applicant shall be construed accordingly;
- (c) a copy of any certificate of fair rent issued in pursuance of the application shall be sent to the tenant.

SCHEDULE 5

Section 37.

PREMIUMS

PART I

AMENDMENT OF SECTION 2 OF LANDLORD AND TENANT (RENT CONTROL) ACT 1949 (12, 13 & 14 Geo. 6. c. 40)

1. For subsection (1) there shall be substituted the following subsection—

(1) A person shall not—

(a) as a condition of the grant, renewal or continuance of a tenancy to which this section applies, require the payment of any premium; or

(b) in connection with such a grant, renewal or continuance, receive any premium;

in addition to the rent.

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2. At the end of subsection (2) there shall be inserted the words "or in connection with such an assignment receive any premium".

3. In subsection (4) after the words "require the payment by the assignee" there shall be inserted the words "or receive from the assignee a payment".

4. In subsection (5) after the words "could not lawfully be required", in both places where they occur, there shall be inserted the words "or received".

5. In subsection (6) after the word "requiring" there shall be inserted the words "or receiving" and after the word "required" there shall be inserted the words "or received".

PART II

AMENDMENT OF PARAGRAPH 5 OF SCHEDULE 1 TO LANDLORD AND TENANT (RENT CONTROL) ACT 1949 (12, 13 & 14 Geo. 6. c. 40)

6. In sub-paragraph (1) the words "before the commencement of this Act" shall be omitted, after the words "and paid" in paragraph (a) there shall be inserted the words "or has been lawfully received", after the words "subject to the provisions of this paragraph" there shall be inserted the words "and of Part III of Schedule 5 to the Rent Act 1965" and after the words "the requiring" there shall be inserted the words "or receiving".

PART III

FURTHER PROVISIONS APPLICABLE TO REGULATED TENANCIES

1949 c. 40.

7.—(1) In relation to a regulated tenancy sub-paragraph (3) of paragraph 5 of Schedule 1 to the Landlord and Tenant (Rent Control) Act 1949 shall not apply and the relevant date for the purposes of sub-paragraph (2) of that paragraph (which determines the proportion of the premium paid on the grant, continuance or renewal of a tenancy which may be required or received on an assignment thereof) shall be ascertained in accordance with the following provisions of this paragraph (which restate the effect of paragraphs 6 and 7 of that Schedule so far as applicable).

(2) Where the tenancy was granted, continued or renewed for a term of years certain exceeding seven years and that term has not expired when the assignment takes effect, the relevant date shall be the date of the expiration of that term.

(3) In any other case the relevant date shall be the date of the expiration of seven years from the commencement of the term, or the continuance or renewal of the term, in respect of which the premium was paid.

(4) For the purposes of this paragraph, a term of years shall be deemed to be certain notwithstanding that it is liable to determination by re-entry or on the happening of any event other than the giving of notice by the landlord to determine the term; and a term of years determinable by the giving of such a notice by the landlord shall be deemed to be a term of years certain expiring on the earliest date on which such a notice given after the date of the assignment would be capable of taking effect.

(5) In the application of this paragraph to Scotland, for sub-paragraphs (2) to (4) there shall be substituted the following sub-paragraphs—

SCH. 5

“(2) Where at the date when the assignation takes effect the tenancy granted, continued or renewed is for a specified period exceeding seven years and that period has not terminated, the relevant date shall be the termination of that period.

(3) In any other case the relevant date shall be the date of the expiration of seven years from the commencement of the tenancy, or the continuance or renewal of the tenancy, in respect of which the premium was paid.

(4) The provisions of this paragraph shall apply to a tenancy for a specified period exceeding seven years notwithstanding that it is liable to be terminated by re-entry or on the happening of any event other than the giving of notice by the landlord to terminate the tenancy; and where a tenancy may be terminated by the giving of such notice by the landlord it shall be deemed to be a tenancy for a specified period expiring on the earliest date on which such a notice given after the date of the assignation would be capable of taking effect.”

8.—(1) If the dwelling-house which is the subject of the regulated tenancy is in an area in which Part II of this Act is in force the said paragraph 5 shall not apply unless—

(a) a rent for the dwelling-house is registered under this Act, and

(b) the rent so registered is higher than the rent payable under the tenancy.

(2) If the registered rent is higher than the rent payable under the tenancy but the lump sum equivalent of the difference is less than the premium, sub-paragraph (2) of the said paragraph 5 shall have effect as if the amount of the premium had been that lump sum equivalent.

(3) For the purposes of this paragraph the lump sum equivalent of the difference shall be taken to be that difference multiplied by the number of complete rental periods falling within the period beginning with the grant, continuance or renewal in respect of which the premium was paid and ending with the relevant date, as ascertained in accordance with paragraph 7 of this Schedule.

(4) Where any rates in respect of the dwelling-house are borne by the landlord or a superior landlord, the amount of the registered rent shall be taken for the purposes of this paragraph as increased by the amount of the rates so borne in respect of the rental period comprising the date from which the registration took effect.

SCHEDULE 6

Section 51.

MINOR AND CONSEQUENTIAL AMENDMENTS

1. In section 111 of the Inclosure Act 1845, for the words from 1845 c. 118. “according” to the end of the section there shall be substituted the words “by proceedings in the county court”.

- SCH. 6**
1852 c. 79. 2. In section 13 of the Inclosure Act 1852, for the words from "under the provisions" to "the said last-mentioned Act" there shall be substituted, as from the day appointed under section 35(5) of this Act, the words "by proceedings in the county court".
- 1933 c. 32. 3. In sections 10 and 11 of the Rent and Mortgage Interest Restrictions (Amendment) Act 1933 the references to the principal Act shall be deemed to include references to this Act.
- 1949 c. 40. 4. In section 11(1) of the Landlord and Tenant (Rent Control) Act 1949, after the words "a notice to quit has been served" there shall be inserted the words "(whether it was served before or after the reference)", and at the end of the proviso there shall be added the words "or have made a direction under subsection (7) of section 39 of the Rent Act 1965".
- 1951 c. 65. 5.—(1) In section 15(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, after the words "the said section 11" there shall be inserted the words "and section 39(7) of the Rent Act 1965".
(2) In section 16(2)(a) of that Act, for the words "the Rent Act of 1939" there shall be substituted the words "the Rent Act 1965" and for the words "section 3" the words "section 1".
(3) Subsections (1) to (3) of section 22 of that Act shall apply in relation to any proceedings under this Act and shall, in relation to any proceedings before a rent officer or rent assessment committee, have effect as if the references to the court or tribunal included references to a rent officer or rent assessment committee.
- 1954 c. 50. 6. In section 25(2) of the Housing (Repairs and Rents) (Scotland) Act 1954 at the end of paragraph (b) the word "or" shall be omitted and after paragraph (c) there shall be inserted the following—
"or
(d) the premises comprised in the tenancy were provided by the housing association by means of advances from the Secretary of State to the housing association under section 11 of the Housing (Scotland) Act 1962, or by means of loans made by the Housing Corporation under Part I of the Housing Act 1964."
- 1962 c. 28.
1964 c. 56. 7. In section 30(2) of the Housing (Repairs and Rents) (Scotland) Act 1954 after the word "required" in paragraphs (a), (b) and (d) there shall be inserted the words "or received".
- 1954 c. 53. 8. In section 39(2) of the Housing Repairs and Rents Act 1954, after the word "required" in paragraphs (a), (b) and (d), there shall be inserted the word "or received".
- 1957 c. 25.
1949 c. 60.
1965 c. 16. 9.—(1) In section 5(3) of the Rent Act 1957 after the words "Housing Act 1949" there shall be inserted the words "or a grant has been made in respect of the improvement under section 15 of the Airports Authority Act 1965".
(2) In section 5(4) of the Rent Act 1957 after the words "section 20" there shall be inserted the words "or under the said section 15".
- 1957 c. 56. 10.—(1) As from the day appointed under section 35(5) of this Act the Housing Act 1957 shall have effect subject to the following amendments.

(2) In sections 22(2), 45(3) and 73(2) for the words from "make Sch. 6 complaint" to "like effect" there shall be substituted the words "apply to the county court and thereupon the court shall" and for the word "complainant" there shall be substituted the word "applicant".

(3) In section 85(2) for the words from "make complaint" to "like effect" there shall be substituted the words "apply to the county court and thereupon the court shall".

11. In paragraph (b) of section 94(1) of the County Courts Act 1959 c. 22. 1959 the word "or" shall be omitted and at the end of the paragraph there shall be inserted the words "or the Rent Act 1965".

12. In section 12(1) of the House Purchase and Housing Act 1959 1959 c. 33. the reference to a controlled tenancy shall be construed as not including a regulated tenancy.

13. In section 15 of the Housing (Scotland) Act 1962 references 1962 c. 28. to a controlled tenancy shall be construed as not including a regulated tenancy.

14. In section 56(2) of the Housing Act 1964 the reference to a 1964 c. 56. controlled tenancy shall be construed as not including a regulated tenancy.

Section 52.

SCHEDULE 7

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT

Chapter	Short title	Extent of repeal
6 & 7 Geo. 6. c. 44.	The Rent of Furnished Houses Control (Scotland) Act 1943.	Section 10(2).
9 & 10 Geo. 6. c. 34.	The Furnished Houses (Rent Control) Act 1946.	Section 13(3).
12, 13 & 14 Geo. 6. c. 40.	The Landlord and Tenant (Rent Control) Act 1949.	In Schedule 1, in paragraph 5(1) the words "before the commencement of this Act".
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	In section 16(2), paragraph (bb).
2 & 3 Eliz. 2. c. 50.	The Housing (Repairs and Rents) (Scotland) Act 1954.	Section 27(3).
2 & 3 Eliz. 2. c. 53.	The Housing Repairs and Rents Act 1954.	Section 35(3).
5 & 6 Eliz. 2. c. 25.	The Rent Act 1957.	In section 11, subsection (3), and in subsection (7) the words "or (3)". Section 12. Section 13(2). In Schedule 4, in paragraph 1, the words "subsection (1) or (3) of", and paragraph 13. In Schedule 5, in paragraph 2 (1) the words "or an order made under subsection (3) thereof", paragraph 2 (2) (b), in paragraph 3 (1) head (b) and the word "and" preceding head (b), paragraph 4, in paragraph 5 (d) the words "or in an order under subsection (3) of that section;" and paragraph 15. In Schedule 6, in paragraph 8(3), the words "or subsection (3)", paragraph 25(1) and, in paragraph 25 (2), the words "or any order thereunder" and the words from "or the date" to the end.
1964 c. 56.	The Housing Act 1964.	In section 72, subsection (3), in subsection (4) the words "and (3)", subsections (5) and (6); and, in paragraph (d) of subsection (7), the words "(3)", the words "and (5)", the words from "(3) Subject" to "both" and the words "and (3)".
1964 c. 97.	The Protection from Eviction Act 1964.	The whole Act except section 5.

PART II

SCH. 7

ENACTMENTS REPEALED FROM DAY APPOINTED
UNDER SECTION 35(5)

Chapter	Short title	Extent of repeal
1 & 2 Vict. c. 74.	The Small Tenements Recovery Act 1838.	The whole Act.
4 & 5 Vict. c. 38.	The School Sites Act 1841	Section 18 so far as it applies to England and Wales.
15 & 16 Vict. c. 79.	The Inclosure Act 1852.	The Schedule.
22 Vict. c. 12.	The Defence Act 1859.	In section 5, the words from "under the Small Tenements Recovery Act", in the first place where they occur, to "or such possession may be recovered", and the words from "and in proceeding", in the first place where they occur, to "fit to name".
62 & 63 Vict. c. 44.	The Small Dwellings Acquisition Act 1899.	In section 5(5) the word "either", in the first place where it occurs, the words from "or under" to "1838" and the words "in either case".
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest (Res- trictions) Act 1920.	In section 5(4) (as substituted by section 4 of the Rent and Mortgage Interest Restric- tions Act 1923) the words preceding "every warrant", the words "or to enter and give possession of", the words from "or, in the case" to "issue of the warrant" and the words "in either case".
16 & 17 Geo. 5. c. 52.	The Small Holdings and Allotments Act 1926.	In section 7(5) the word "either", in the first place where it occurs, the words from "or under" to "1838" and the words "in either case".
12, 13 & 14 Geo. 6. c. 51.	The Legal Aid and Advice Act 1949.	In Part I of Schedule 1, para- graph 3(c).
12, 13 & 14 Geo. 6. c. 67.	The Civil Aviation Act 1949.	Section 31(2).
5 & 6 Eliz. 2. c. 56.	The Housing Act 1957.	Section 158(2).
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	Section 84(4).
1965 c. 59.	The New Towns Act 1965.	Section 22(4).



Southern Rhodesia Act 1965

1965 CHAPTER 76

An Act to make further provision with respect to Southern Rhodesia. [16th November 1965]

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

Status of
Southern
Rhodesia.

1. It is hereby declared that Southern Rhodesia continues to be part of Her Majesty's dominions, and that the Government and Parliament of the United Kingdom have responsibility and jurisdiction as heretofore for and in respect of it.

Powers with
respect to
Southern
Rhodesia.

2.—(1) Her Majesty may by Order in Council make such provision in relation to Southern Rhodesia, or persons or things in any way belonging to or connected with Southern Rhodesia, as appears to Her to be necessary or expedient in consequence of any unconstitutional action taken therein.

(2) Without prejudice to the generality of subsection (1) of this section an Order in Council thereunder may make such provision—

- (a) for suspending, amending, revoking or adding to any of the provisions of the Constitution of Southern Rhodesia 1961;
- (b) for modifying, extending or suspending the operation of any enactment or instrument in relation to Southern Rhodesia, or persons or things in any way belonging to or connected with Southern Rhodesia;
- (c) for imposing prohibitions, restrictions or obligations in respect of transactions relating to Southern Rhodesia or any such persons or things,

as appears to Her Majesty to be necessary or expedient as aforesaid; and any provision made by or under such an Order may apply to things done or omitted outside as well as within the United Kingdom or other country or territory to which the Order extends.

(3) An Order in Council under this section may make or authorise the making of such incidental, supplemental and consequential provisions as appear to Her Majesty to be expedient for the purposes of the Order, and any provision made by or under such an Order may be made to have effect from any date not earlier than 11th November 1965.

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

(5) An Order in Council under this section shall be laid before Parliament after being made and shall expire at the end of the period of twenty-eight days beginning with the day on which it was made unless during that period it is approved by resolution of each House of Parliament.

The expiration of an Order in pursuance of this subsection shall not affect the operation of the Order as respects things previously done or omitted to be done or the power to make a new Order; and in calculating the period aforesaid no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

3.—(1) Subject to the following provisions of this section, section 2 of this Act shall continue in force for the period of one year beginning with the date of the passing of this Act and shall then expire unless it is continued in force in accordance with subsection (2) of this section. Duration of section 2.

(2) Her Majesty may from time to time by Order in Council provide that section 2 of this Act shall continue in force for a period of one year beyond the date on which it would otherwise expire; but no recommendation shall be made to Her Majesty in Council to make an Order under this subsection unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

(3) The expiration of section 2 of this Act shall not affect—

- (a) the operation of that section as respects things previously done or omitted to be done; or
- (b) the Constitution of Southern Rhodesia 1961 as in force immediately before the expiration of that section.

4.—(1) This Act may be cited as the Southern Rhodesia Act 1965. Short title and extent.

(2) This Act extends to Southern Rhodesia, the Channel Islands, the Isle of Man, any colony or protectorate within the meaning of the British Nationality Act 1948, and (to the extent of Her Majesty's jurisdiction therein) to any foreign country or territory in which for the time being Her Majesty has jurisdiction: 1948 c. 56.

Provided that no Order in Council under section 2 of this Act shall extend to any place other than the United Kingdom or Southern Rhodesia as part of the law of that place, except so far as it makes provision with respect to ships or aircraft to which this section applies, or affects the operation of any Act of Parliament which has effect in that place, with or without modifications, as part of its law, or of any instrument in force under any such Act.

(3) This section applies to British ships registered in the United Kingdom or any other country or place to which this Act extends, and to aircraft so registered.



Expiring Laws Continuance Act 1965

1965 CHAPTER 77

An Act to continue certain expiring laws.

[22nd December 1965]

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

1.—(1) The Acts mentioned in columns 1 and 2 of the Schedule Continuation to this Act (which, to the extent specified in column 3 of that Schedule, are limited to expire at the end of December 1965) shall, to that extent, continue in force till the end of December 1966. of certain expiring enactments.

(2) Part VII of the Licensing Act 1964 (which is limited to 1964, c. 26. expire at the end of March 1966) shall continue in force till the end of March 1967.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act 1965. Short title and application to Northern Ireland.

(2) Except in so far as it continues section 1 of the Aliens Restriction (Amendment) Act 1919, section 4 of the Children and Young Persons (Harmful Publications) Act 1955, section 3 of the Emergency Laws (Repeal) Act 1959 and Part I of, and Schedule 1 1959, c. 19. to, the Commonwealth Immigrants Act 1962, this Act shall not extend to Northern Ireland. 1919, c. 92. 1955, c. 28. 1962, c. 21.

Section 1.

SCHEDULE**ACTS CONTINUED TILL END OF DECEMBER 1966**

Chapter	Short Title	Extent to which Act is temporary in Duration and is continued in Force
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 1.
1 & 2 Eliz. 2. c. 23.	The Accommodation Agencies Act 1953.	The whole Act.
3 & 4 Eliz. 2. c. 28.	The Children and Young Persons (Harmful Publications) Act 1955.	The whole Act.
7 & 8 Eliz. 2. c. 19.	The Emergency Laws (Repeal) Act 1959.	Section 3.
10 & 11 Eliz. 2. c. 21.	The Commonwealth Immigrants Act 1962.	Part I and Schedule 1.



Pensions (Increase) Act 1965

1965 CHAPTER 78

An Act to make provision with respect to increases or supplements in respect of certain pensions.

[22nd December 1965]

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

1.—(1) Subject to the provisions of this Act, the annual rate of a pension specified in Schedule 1 to this Act which began not later than 1st April 1964, may, in respect of any period beginning on or after the appointed day, be increased by the pension authority by an amount equal to the following percentage of the adjusted rate of that pension, that is to say—

Increase of certain pensions.

- (a) if the pension began not later than 1st April 1957, sixteen per cent. ;
- (b) if the pension began after 1st April 1957 but not later than 1st April 1958, fourteen per cent. ;
- (c) if the pension began after 1st April 1958 but not later than 1st April 1959, twelve per cent. ;
- (d) if the pension began after 1st April 1959 but not later than 1st April 1960, ten per cent. ;
- (e) if the pension began after 1st April 1960 but not later than 1st April 1961, eight per cent. ;
- (f) if the pension began after 1st April 1961 but not later than 1st April 1962, six per cent. ;
- (g) if the pension began after 1st April 1962 but not later than 1st April 1963, four per cent. ;
- (h) if the pension began after 1st April 1963, two per cent.

(2) Subsections (2) to (6) of section 1 of the Act of 1959 (which describe the conditions for the increase of a pension under that section) shall apply to the increase authorised by this section as they apply to the increase authorised by subsection (1) of that section.

(3) In subsection (1) of this section, the expression “adjusted rate”, in relation to any pension, means the aggregate annual rate of that pension after any relevant increase thereof apart from that subsection, any fraction of a pound in that aggregate being treated as a whole pound.

2.—(1) In relation to any period beginning on or after the appointed day—

(a) for the purposes of this Act, section 1 of the Act of 1956, the Act of 1959 and the Act of 1962, a pension computed under section 13(2)(b) of the Superannuation Act 1965 (which provides for pensions of re-employed civil servants to be computed on emoluments before re-employment where those emoluments are higher than subsequent emoluments) shall be deemed to begin on the day following the last day of the service by reference to the emoluments of which the pension falls to be computed and not on the day following the last day of the service in respect of which the pension is payable; and

(b) the provisions of subsections (2) and (3) of this section shall have effect where a person has, after being in receipt of a pension specified in Schedule 1 to this Act or after having terminated his service in circumstances such that he is or may become eligible for such a pension at a later date, rendered further service by virtue of which the basic rate of that pension has fallen (or if that service had been terminated by retirement would have fallen) to be reassessed.

(2) Where any such pension as is referred to in subsection (1)(b) of this section is a pension specified in paragraph 1, 4 or 5 of Part I of the said Schedule 1 and the reassessment falls to be made by reference to—

(a) the aggregate of the further service and the previous service of the person in question; and

(b) emoluments attributed to a period immediately preceding the termination of the further service not lower than the emoluments by reference to which the basic rate of the pension was assessed before, or, as the case may be, would have been assessed but for, the rendering of the further service,

Further
increase of
certain
pensions.

1965 c. 74.

then if in the case of the reassessed pension or any other pension derived therefrom the aggregate of the basic rate of the reassessed or, as the case may be, derived pension and any relevant increases thereof falls short of what the aggregate of the basic rate of the pension falling to be reassessed (or, as the case may be, of the like other pension derived therefrom) and any relevant increases thereof would have been if—

(i) the service rendered before the date of the retirement or termination of service which gave rise to the receipt of, or eligibility for, the pension falling to be reassessed had been increased by the amount of the further service; and

(ii) no further service had been rendered after that date, the reassessed or, as the case may be, derived pension may be further increased by the pension authority by the amount of the difference.

(3) Where, in the case of any such pension as is referred to in the said subsection (1)(b) which has been reassessed or any other pension derived therefrom, subsection (2) of this section does not apply but the aggregate of the basic rate of the reassessed or, as the case may be, derived pension and any relevant increases thereof falls short of what that aggregate would have been if the further service had not been rendered, the reassessed or, as the case may be, derived pension may be further increased by the pension authority by the amount of the difference.

(4) In the foregoing provisions of this section—

(a) the expression “basic rate”, in relation to any pension, means the annual rate of that pension apart from any relevant increase thereof or any increase thereof under this section;

(b) the expression “reassessment”, in relation to a pension which was not assessed before the rendering of the further service but which in consequence of the rendering of that service has or would have fallen to be assessed on a different basis, includes the assessment on that basis, and the expression “reassessed” shall be construed accordingly;

(c) any reference to another pension derived from a reassessed pension shall be construed as a reference to another pension the basic rate of which falls to be computed by reference to (or to what, if the further service had been terminated by retirement, would have been) the basic rate of the reassessed pension, not being such another pension granted in consideration of the surrender of part of the reassessed pension.

(5) In consequence of the foregoing provisions of this section, the following enactments are hereby repealed in relation to any period beginning on or after the appointed day, namely—

- (a) section 2 of the Act of 1959 ; and
- (b) in sections 1(1)(a) and 9(1)(b) of the Act of 1956 and in section 5(1)(a) of the Act of 1959, the words “ (not being a pension computed under paragraph (b) of subsection (2) of section thirty-six of the Superannuation Act 1949) ”.

1949 c. 44.

Power to provide increased benefits for persons subject to approved superannuation schemes.

3.—(1) This section applies to persons who are or have been subject to a superannuation scheme operated under the Federated Superannuation System for Universities, the Federated Superannuation Scheme for Nurses and Hospital Officers, or any other scheme approved by the Treasury for the purposes of this section ; and in this section—

- (a) the expression “ appropriate authority ” means the Treasury, a Secretary of State, the Minister of Housing and Local Government or the Minister of Health ;
- (b) the expression “ benefits ” means benefits enjoyable after the termination of the service in respect of which they are granted ;
- (c) the expression “ the authorised increases ” means the benefits conferred by—
 - (i) sections 1 and 2 of the Act of 1944 ;
 - (ii) section 1 of the Act of 1952 ;
 - (iii) section 1 of the Act of 1956 ;
 - (iv) section 1 of the Act of 1959 ;
 - (v) sections 1 and 2 of the Act of 1962 ; and
 - (vi) section 1 of this Act,

on persons whose superannuation benefits are regulated under the Superannuation Act 1965.

1965 c. 74.

(2) An appropriate authority or, where that authority is not the Treasury, that authority with the consent of the Treasury may make regulations—

- (a) for conferring on persons to whom this section applies who—
 - (i) are or have been employed in the civil service of the State ; or
 - (ii) are or have been employed in the College of Domestic Arts of South Wales and Monmouthshire,

such benefits as appear to the authority by whom the regulations are made to be appropriate having regard to the authorised increases ;

(b) for—

(i) conferring on persons to whom this section applies who are or have been such officers as are mentioned in paragraph (a) or such practitioners as are mentioned in paragraph (c) of either section 67(1) of the National Health Service Act 1946 or 1946 c. 81. section 66(1) of the National Health Service (Scotland) Act 1947; or

(ii) empowering a local authority to provide for persons to whom this section applies who are or have been employed by them or by some other authority to whom that local authority are, or are deemed in accordance with the regulations to be, the successor,

such benefits as appear to the authority by whom the regulations are made to be appropriate having regard to the authorised increases other than those under sections 1 and 2 of the Act of 1944;

(c) for conferring on persons to whom this section applies who are or have been employed in the civil service of the State but who were recruited and are or were so employed in a territory outside the United Kingdom such benefits as appear to the authority by whom the regulations are made to be appropriate having regard not only to the authorised increases but also to the circumstances of that territory.

(3) The Minister of Overseas Development may, with the approval of the Treasury, make regulations for conferring on persons who are or have been special contributors to the Oversea Superannuation Scheme such benefits as appear to that Minister to be appropriate having regard to the authorised increases.

(4) Regulations under this section may make different provision for different classes of persons and may provide for any benefit to take effect from such date, whether before or after the making of the regulations, as may be specified therein.

(5) The power to make regulations conferred by this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) This section shall come into force on the appointed day, and as from that day the following enactments are hereby repealed, namely—

(a) the Superannuation Act 1946, except for sections 6 and 1946 c. 60. 10(2);

(b) section 3(1)(a) of the Act of 1952;

(c) section 8(1)(b) of the Act of 1956;

(d) section 3(3)(a) of the Act of 1959 ; and

1965 c. 74.
1946 c. 60.

(e) Schedule 9 to the Superannuation Act 1965 so far as it amends the Superannuation Act 1946 ;

but any regulation made or approval given under any of those enactments, being a regulation or approval in force immediately before the appointed day, shall continue to have effect as if made or given under this section.

Amendments
as to previous
increases.

4.—(1) Subject to subsection (2) of this section, and without prejudice to section 3(2) and (3) of the Act of 1947 (which terminate or restrict the payment under the Act of 1944 of an increase of a pension the amount of which is determined by reference to a rate of emoluments received on or after 1st April 1947 or by reference to an average rate of emoluments received over a period of service falling wholly or partly after 1st April 1946), a pension the amount of which is determined in any other manner shall not be increased under the Act of 1944 if it first became payable on or after the appointed day in respect of service ending after 31st March 1947.

(2) Subsection (1) of this section shall not apply to—

1947 c. 41.

(a) any pension payable under a pension scheme mentioned in section 39(5) of the Fire Services Act 1947 (which relates to schemes applicable to firemen ceasing to serve before the commencement of that Act) to the widow or a child of the person in respect of whom the pension is payable ; or

(b) any pension payable under a scheme brought into operation by an order under section 26 of that Act to the widow or a child of the person in respect of whom the pension is payable where, in relation to that pension, the scheme is subject to the modifications set out in section 27(3) of that Act,

1965 c. 11.

and nothing in the said subsection (1) shall affect the powers exercisable by reference to the Act of 1944 under section 3 of this Act or section 17 of the Ministerial Salaries and Members' Pensions Act 1965.

(3) An Order in Council under section 4 of the Act of 1944 extending the provisions of section 1 of that Act to additional pensions shall be made in like manner as an Order in Council for comparable purposes under section 3(1) of the Act of 1959 ; and accordingly for subsection (4) of the said section 4 (which requires an Order under that section to be laid before Parliament in draft and an Address to be presented to Her Majesty praying that the Order be made) there shall be substituted the following :—

“ (4) No recommendation to make an Order under this section shall be made to Her Majesty in Council unless a

draft of the Order has been laid before, and approved by a resolution of, each House of Parliament."

(4) As from the appointed day, section 1 of the Act of 1962 shall apply to—

(a) a pension payable under the Lord Chancellor's Pension 1832 c. 111. Act 1832; and

(b) a pension payable under Mr. Speaker Morrison's Retirement Act 1959, ^{1959 c. 1.} (8 & 9 Eliz. 2).

in addition to the pensions referred to in subsection (2) of that section.

(5) In the Act of 1962, as from the appointed day—

(a) in section 3(4)—

(i) paragraph (a) (which, in the case of certain pensions payable in any overseas territory, restricts the payment of a supplement under the said section 3 to cases where the pensioner is resident in the United Kingdom) is hereby repealed; and

(ii) in paragraph (b) (which, in the case of certain pensioners resident in any overseas territory, restricts the payment of such a supplement to cases where the pensioner is so resident solely for the purposes of a contract of service with the Government of that territory), at the end there shall be added the words "or with some other body approved for the purposes of this paragraph by the Minister of Overseas Development";

(b) in paragraph 2 of Schedule 1 (which provides for the increase of a pension payable under any relevant pension enactment as defined in the Judicial Pensions Act 1959) the words "to a person who retired before 9th July 1959" are hereby repealed. ^{1959 c. 9.} (8 & 9 Eliz. 2).

(6) In Schedule 3 to the Act of 1962 (which describes the pensions eligible for supplements under section 3 of that Act) there shall as from the appointed day be added at the end the following paragraph:—

"6. A pension in respect of service in any auxiliary or special police force raised in an overseas territory, not being a pension payable to or in respect of such a person as is mentioned in paragraph 7 of Part I of Schedule 1 to the Pensions (Increase) Act 1965 or payable under any warrant or other instrument made by virtue of Her Majesty's prerogative in respect of such forces".

(7) For the removal of doubt, paragraph 1 of the Schedule to the Pensions (Increase) Acts (Extension) (No. 1) Order 1963 S.I. 1963/2105. and paragraph 1 of the Schedule to the Pensions (Increase) Acts

S.I. 1963/2106. (Extension) (No. 2) Order 1963 (which relate to pensions payable by a local authority under any enactment in respect of service any part of which is not local government service) shall each have effect, and be deemed always to have had effect, as if at the end there were added the words "and not being a pension payable in respect of service ending otherwise than with local government service".

Supplementary provisions. 5.—(1) In calculating the amount of a pension for the purposes of a relevant increase thereof under any other Act, any increase of that pension under section 1 or 2 of this Act, otherwise than under subsections (1)(a) and (5) of the said section 2, shall be disregarded; and, in ascertaining the rate of any pension granted to any person by reference to the rate of some other person's pension, no account shall be taken of any increase of that other person's pension under or by virtue of section 1 or 2 of this Act.

(2) The provisions of—

(a) sections 3 to 6 of the Act of 1959 (except subsection (3) of section 5, which corresponds with subsection (1) of this section, and except subsection (1) of section 6, which corresponds with section 6 of this Act); and

(b) section 3 of the Act of 1962,

shall apply for the purposes of this Act subject to the modifications set out in Schedule 2 to this Act.

Expenses. 6. There shall be defrayed out of moneys provided by Parliament—

(a) any expenditure incurred by a government department under or by virtue of this Act;

(b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

Interpretation. 7.—(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

"the Act of" any specified year means the Pensions (Increase) Act of that year;

"the appointed day" means the earliest day after the passing of this Act (not being earlier than 1st January 1966) which is the first day of a calendar month;

"enactment" includes any enactment in a local Act and any provisional order confirmed by Parliament;

"local authority" has the meaning assigned by section 40 of the Local Government Superannuation Act 1937 or, in Scotland, by section 34 of the Local Government Superannuation (Scotland) Act 1937;

1937 c. 68.

1937 c. 69.

“pension” has the same meaning as in the Act of 1959 as extended by section 6 of the Act of 1962;

“pension authority” means, in relation to a pension specified in paragraph 12 of Part II of Schedule 1 to this Act, the Treasury and, in relation to any other pension, the authority by whom the pension is payable;

“relevant increase” means an increase by virtue of, or by reference to increases under, any of the following enactments, that is to say, the Acts of 1920 and 1924, the Acts of 1944 and 1947, the Act of 1952, the Act of 1954, section 1 of the Act of 1956, section 1 of the Act of 1959, sections 1 and 2 of the Act of 1962, and section 1 of this Act.

(2) Unless the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

8.—(1) This Act may be cited as the Pensions (Increase) Act 1965. Citation and extent.

(2) The Pensions (Increase) Acts 1920 to 1962, sections 48(1) to (4) and 62(3) of the Superannuation Act 1949, section 3 of, 1949 c. 44. and Schedule 2 to, the Pensions (India, Pakistan and Burma) 1955 c. 22. Act 1955, section 17 of the Ministerial Salaries and Members' 1965 c. 11. Pensions Act 1965 and this Act may be cited together as the Pensions (Increase) Acts 1920 to 1965; and subsection (4) of the said section 17 is hereby repealed.

(3) This Act—

(a) extends to Northern Ireland for the purpose of the increase of pensions payable under Schedule 8 to the Government of Ireland Act 1920, or payable to or 1920 c. 67. in respect of an existing Irish officer within the meaning of that Act under the Superannuation Acts 1834 to 1965, or payable under or by virtue of any other Act extending to Northern Ireland out of the Consolidated Fund of the United Kingdom or out of moneys provided by the Parliament of the United Kingdom;

(b) extends to Northern Ireland, the Isle of Man and the Channel Islands for the purpose of the increase of pensions payable by the trustees of a trustee savings bank or by the Inspection Committee of trustee savings banks,

but, save as aforesaid, extends to Great Britain only.

SCHEDULES

SCHEDULE 1

Section 1.

PENSIONS WHICH MAY BE INCREASED UNDER SECTION 1

PART I

Pensions payable by government departments

- 1965 c. 74. 1. A pension payable under the Superannuation Act 1965.
- 1920 c. 67. 2. A pension payable under Schedule 8 to the Government of Ireland Act 1920 or payable to or in respect of an existing Irish officer within the meaning of that Act under the Superannuation Acts 1834 to 1965.
3. A pension payable under the Elementary School Teachers (Superannuation) Acts 1898 to 1912.
4. A pension not specified in paragraph 2 of Part II of this Schedule which is payable under the Teachers (Superannuation) Acts 1918 to 1956, excluding so much, if any, thereof as would not have been payable apart from an election under section 10(1) of the Teachers (Superannuation) Act 1956.
- 1956 c. 53. 5. A pension payable under the Education (Scotland) Acts 1939 to 1965, other than an additional pension granted under Regulation 45 of the Teachers (Superannuation) (Scotland) Regulations 1957.
- S.I. 1957/356. 6. A pension payable under the enactments relating to the pensions of the Royal Irish Constabulary, other than a pension payable under regulations made under section 1 of the Royal Irish Constabulary (Widows' Pensions) Act 1954.
- 1954 c. 17. 7. A pension payable by a Secretary of State—
- 1945 c. 17.
(9 & 10 Geo. 6).
1948 c. 24. (a) under the Police (Overseas Service) Act 1945 or the Police Pensions Act 1948 to a person who at the time of his retirement was engaged as mentioned in section 1(1) of the said Act of 1945 ; or
- (b) under the said Act of 1948 to a person who at the time of his retirement was engaged in service in respect of which the provisions of section 5 of the Overseas Service Act 1958 had effect,
- 1958 c. 14. or granted in consideration of the surrender of part of such a pension.
- 1947 c. 41. 8. A pension payable by a Secretary of State in accordance with any scheme in force under section 26 of the Fire Services Act 1947.
- 1932 c. 25.
1945 c. 13.
(9 & 10 Geo. 6).
1946 c. 64. 9. A pension payable under section 29 of the Finance Act 1932, section 60 of the Finance (No. 2) Act 1945, or section 62 of the Finance Act 1946.
- 1946 c. 81. 10. A pension payable by the Minister of Health under section 6 of the National Health Service Act 1946, or in pursuance of regulations made under section 67 or 68 of that Act, or by way of such compensation as is mentioned in section 7(1)(b) of the Pensions (Increase) Act 1959 in pursuance of an order made under section 11(9) of the said Act of 1946.
- 1959 c. 50.

11. A pension payable by the Secretary of State under section 6 of the National Health Service (Scotland) Act 1947 or in pursuance of regulations made under section 66 or 67 of that Act. SCH. 1
1947 c. 27.
12. A pension not specified in paragraph 1 of this Part of this Schedule which is payable by the Minister of Pensions and National Insurance in pursuance of regulations made under section 67 of the National Insurance Act 1946 or of rules made under section 3 of the Superannuation (Miscellaneous Provisions) Act 1948. 1946 c. 67.
1948 c. 33.
13. A pension payable under rule 7 or 10 of the National S.I. 1948/2434. Insurance and Civil Service (Superannuation) Rules 1948.
14. A pension payable under the Governors' Pensions Act 1957. 1957 c. 62.
15. A pension payable under Part I of the Administration of Justice (Pensions) Act 1950 out of the Consolidated Fund of the United Kingdom or out of moneys provided by Parliament. 1950 c. 11.
(14 & 15 Geo. 6).
16. A pension payable under section 9 of the County Courts Act 1934. 1934 c. 53.
17. A pension payable under section 20 of the Sheriff Courts (Scotland) Act 1907. 1907 c. 51.
18. A pension payable under section 1 of the Sheriffs' Pensions (Scotland) Act 1961. 1961 c. 42.
19. A pension payable under the Police Magistrates (Superannuation) Acts 1915 and 1929.
20. A pension payable under the Judges Pensions (India and Burma) Act 1948. 1948 c. 4. (12,
13 & 14 Geo. 6).
21. A pension payable under the Diplomatic Salaries, &c. Act 1869. 1869 c. 43.
22. A pension payable by the Postmaster General in accordance with a scheme made under the Injuries in War (Compensation) Act 1915. 1915 c. 24.
23. A pension payable under section 34(1) of the Courts-Martial (Appeals) Act 1951. 1951 c. 46.
24. A pension payable under any relevant pension enactment as defined in the Judicial Pensions Act 1959. 1959 c. 9.
25. A pension payable under section 3 of the Ministerial Salaries Consolidation Act 1965. (8 & 9 Eliz. 2).
1965 c. 58.
26. A pension payable under the Lord Chancellor's Pension Act 1832. 1832 c. 111.
27. A pension payable under Mr. Speaker Morrison's Retirement Act 1959. 1959 c. 1.
(8 & 9 Eliz. 2).
28. A pension payable by way of residual compensation under Part IV of the Gas (Staff Compensation) Regulations 1949 as amended by the Gas (Staff Compensation) (Amendment) Regulations 1951. S.I. 1949/2289.
S.I. 1951/1327.
29. A pension payable under section 79 of the National Insurance Act 1965, including a pension so payable by virtue of section 52(5) of the National Insurance (Industrial Injuries) Act 1965. 1965 c. 51.
1965 c. 52.
30. A pension payable under the Superannuation (President of the Industrial Court) Act 1954. 1954 c. 37.
31. A pension payable under section 2(6) of the Lands Tribunal Act 1949 to a former member of the Lands Tribunal mentioned in section 1(1)(b) of that Act. 1949 c. 42.

SCH. 1

PART II

Pensions payable by local authorities, etc.

1. A pension not specified in paragraph 4 of this Part of this Schedule which is payable by any local authority solely in respect of local government service, that is to say, service under any local authority, any service which, by virtue of section 2 or 3 of the Local Government (Emergency Provisions) Act 1916, section 12(3) of the Local Government Superannuation Act 1937, section 12(3) of the Local Government Superannuation (Scotland) Act 1937, or the Local Government Staffs (War Service) Act 1939, is, for superannuation purposes, treated as service under a local authority, and any service which, by virtue of section 1(1) or (2) of the Local Government Superannuation Act 1939, is to be treated as service for the purposes of either of the said Acts of 1937, any such service as aforesaid being included notwithstanding that the local authority concerned have ceased to exist.
- 1916 c. 12.
1937 c. 68.
1937 c. 69.
1939 c. 94.
- 1939 c. 18.
2. A pension payable by any local authority under section 14(3)(b) of the Teachers (Superannuation) Act 1925.
- 1925 c. 59.
3. A pension payable under the Police Pensions Act 1948, under section 11 of the Police (Scotland) Act 1956, under section 34 of the Police Act 1964 or under any enactment repealed by the said Act of 1948 or by the Police Pensions Act 1921, not being a pension specified in paragraph 7 of Part I of this Schedule or a pension (other than a pension granted in consideration of the surrender of part of another pension) payable to the widow or a child of the person in respect of whom it is granted.
- 1948 c. 24.
1956 c. 26.
1964 c. 48.
1921 c. 31.
4. A pension payable by any local authority in respect of service as a member of a fire brigade in accordance with any scheme in force under section 26 of the Fire Services Act 1947, or otherwise payable by a local authority in respect of service as a professional fireman as defined by the Fire Brigade Pensions Act 1925, or in respect of any service which, by or under any enactment, is treated as approved service in a fire brigade.
- 1947 c. 41.
1925 c. 47.
5. A pension payable under the Police Pensions Act 1921 to the widow or a child of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 applied at the time of that person's death or retirement.
- S.R. & O.
1941/1271.
6. Any pension payable by a local authority by way of such compensation as is mentioned in section 7(1)(b) of the Pensions (Increase) Act 1959.
- 1959 c. 50.
7. Any pension specified in any Order in Council in force at the passing of this Act under section 4 of the Pensions (Increase) Act 1944.
- 1944 c. 21.
8. A pension payable under section 6 of the Coroners (Amendment) Act 1926.
- 1926 c. 59.
9. A pension payable under section 33 of the Justices of the Peace Act 1949.
- 1949 c. 101.
10. A pension payable under section 22 of the Administration of Justice (Pensions) Act 1950.
- 1950 c. 11.
(14 & 15 Geo. 6).

11. A pension payable by the trustees of a trustee savings bank or by the Inspection Committee of trustee savings banks. SCH. 1

12. A pension payable under section 5(8) of the Cotton (Centralised Buying) Act 1947 or in pursuance of directions given under section 4(2) of the Cotton Act 1954. 1947 c. 26.
1954 c. 24.

SCHEDULE 2

Section 5(2).

MODIFICATIONS OF ENACTMENTS IN APPLICATION TO THIS ACT

PART I

MODIFICATIONS OF SECTIONS 3 TO 6 OF ACT OF 1959

1. Any reference to the Act of 1959 (except in a reference to a specified provision or to the passing of that Act) shall be construed as a reference to this Act.

2. Any reference to section 1 of the Act of 1959 (including the reference to subsection (1) thereof in section 3(2)) shall be construed as a reference to section 1 of this Act, and any reference to section 2 of that Act shall be construed as a reference to the provisions of section 2, other than subsections (1)(a) and (5) thereof, of this Act.

3. Any reference to the Schedule to the Act of 1959 (including a reference to a specified Part or paragraph thereof) shall be construed as a reference to Schedule 1 to this Act (or, as the case may be, that Part or paragraph of that Schedule) except that the reference in section 5(2) to a pension specified in Part II of the Schedule to that Act shall be construed as a reference only to a pension specified in paragraphs 1 to 10 of Part II of the said Schedule 1 other than a pension so specified only by virtue of section 6 of the Act of 1962.

4. In relation to any increase to be authorised or granted in connection with an increase authorised by section 1 of this Act, the references in section 3(4) and section 4 to the appointed day shall be construed as references to the appointed day for the purposes of this Act, and the references in section 4 to the passing of the Act of 1959 shall be construed as references to the passing of this Act.

5. Section 4(1)(a) shall apply with the substitution for the words "or by Order in Council under the Special Constables Act 1914" of the words "or section 34 of the Police Act 1964". 1914 c. 61.
1964 c. 48.

6. In relation to any period beginning on or after the appointed day for the purposes of this Act, the reference in section 4(2) to any relevant increase of a pension shall include a reference to any increase authorised by section 1 of this Act or by section 1 or 2 of the Act of 1962.

7. The reference in subsection (3) of section 6 to that section shall be construed as a reference to section 6 of this Act.

PART II

MODIFICATIONS OF SECTION 3 OF ACT OF 1962

1. The references in section 3(3) and (5) to the Act of 1962 shall include references to this Act.



Workmen's Compensation and Benefit (Amendment) Act 1965

1965 CHAPTER 79

An Act to amend the law with respect to the supplementation of workmen's compensation and the provision of other benefit in respect of employment before 5th July 1948. [22nd December 1965]

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

1.—(1) The persons on whom a scheme under the Workmen's Supplementation (Supplementation) Act 1951 (hereafter in this Act referred to as "the Supplementation Act") may provide for conferring a right to allowances payable out of the Industrial Injuries Fund shall include any person who is or has since the commencement of that Act been entitled to weekly payments by way of workmen's compensation, other than a person whose entitlement to such payments—

tion of
workmen's
compensation.
1951 c. 22.

(a) arose in consequence of an accident happening after 31st December 1923; and

(b) ceased before 5th July 1956.

(2) The allowances for the payment of which a scheme under the Supplementation Act may make provision shall be—

(a) where the relevant accident happened before 1st January 1924, an allowance (hereafter in this section referred to as a "basic allowance") in respect of any period such as is mentioned in subsection (6) of this section;

(b) an allowance in respect of any period such as is mentioned in paragraph (a) of the said subsection (6)

(hereafter in this section referred to as a "major incapacity allowance");

- (c) subject to subsections (3) and (4) of this section, an allowance in respect of any period such as is mentioned in paragraph (b) of the said subsection (6) (hereafter in this section referred to as a "lesser incapacity allowance");

and a major incapacity allowance or lesser incapacity allowance in respect of any period shall be payable whether or not a basic allowance is also payable in respect of that period.

(3) A lesser incapacity allowance—

- (a) shall not be payable to any person in respect of any period unless there is or may be expected to be (or, but for the cesser at a time after the commencement of this Act of that person's entitlement to workmen's compensation, would or might be expected to have been) payable to that person in respect of that period either a weekly payment by way of basic allowance or a weekly payment by way of workmen's compensation which is not a notional payment;
- (b) except to a person who was receiving an allowance under the Supplementation Act immediately before the commencement of this Act, shall not be payable if the relevant accident happened after 31st December 1923 and the claimant's entitlement to workmen's compensation in consequence thereof ceased before that commencement.

(4) For the purposes of a lesser incapacity allowance, a weekly payment by way of workmen's compensation shall be treated as a notional payment if awarded or paid for the purpose of safeguarding a potential entitlement to compensation and not related to any existing loss of earnings; and a scheme under the Supplementation Act may provide that—

- (a) in such circumstances or cases as may be specified in the scheme; and
- (b) in particular, in cases where weekly payments by way of such compensation are being paid to a person to whom such payments were not made, or were made at a lower rate, during the period of twelve months immediately preceding such date as may be specified in the scheme, not being earlier than 30th November 1965,

a weekly payment by way of such compensation shall be deemed to be a notional payment unless the contrary is proved.

(5) The weekly rate of an allowance by virtue of subsection (2) of this section—

- (a) in the case of a basic allowance, shall not exceed two pounds less the amount of the recipient's workmen's

compensation and, in respect of a period such as is mentioned in subsection (6)(b) of this section which is a period of partial incapacity only, shall also not exceed the difference between two-thirds of the amount representing his weekly loss of earnings determined in accordance with a scheme under the Supplementation Act and the amount of his workmen's compensation ;

(b) in the case of a major incapacity allowance, shall be the corresponding disablement pension rate less the amount of the recipient's workmen's compensation and less the amount of his basic allowance, if any ;

(c) in the case of a lesser incapacity allowance, shall not exceed two pounds seven shillings and sixpence.

(6) The periods referred to in the foregoing provisions of this section are—

(a) any period during which the person claiming or receiving an allowance by virtue of the said subsection (2)—

(i) being or having been entitled to his workmen's compensation in respect of any injury or disease other than pneumoconiosis or byssinosis, is as a result of that injury or disease totally incapable of work and likely to remain so incapable for a considerable period ; or

(ii) being or having been entitled to his workmen's compensation in respect of pneumoconiosis, is certified under a scheme made under the Workmen's Compensation (Silicosis) Act 1918 (as 1918 c. 14, originally enacted or as extended by the Workmen's Compensation (Silicosis) Act 1924) or under section 47 of the Workmen's Compensation Act 1925 (as 1925 c. 84, originally enacted or as extended by any subsequent enactment), or is determined in accordance with a scheme under the Supplementation Act, to be totally disabled ; or

(iii) is, or but for the determination of his right would be, entitled to his workmen's compensation in respect of byssinosis ; or

(iv) being or having been entitled to his workmen's compensation in respect of two or more injuries or diseases such as are mentioned in the three foregoing sub-paragraphs, is as the joint result of those injuries or diseases totally incapable of work and likely to remain so incapable for a considerable period ;

(b) any period which, not being a period such as is mentioned in paragraph (a) of this subsection, is a period of total or partial incapacity for work resulting from the relevant injury or disease.

1956 c. 51.

(7) The Workmen's Compensation and Benefit (Supplementation) Act 1956 (hereafter in this Act referred to as "the Act of 1956") (which makes provision for allowances in circumstances in which provision for comparable allowances is made by this or the next following section) shall cease to have effect.

Other benefit
in respect of
employment
before 5th
July, 1948.
1951 c. 4.
(15 & 16
Geo. 6 & 1
Eliz. 2).

2.—(1) The weekly rate of an allowance in respect of total disablement payable by virtue of section 1(1)(a) of the Pneumoconiosis and Byssinosis Benefit Act 1951 (hereinafter in this Act referred to as "the Benefit Act") shall be increased from forty shillings to the corresponding disablement pension rate.

(2) The persons to whom a scheme under section 1 of the Benefit Act may provide for the payment of benefit by way of a weekly allowance out of the Industrial Injuries Fund shall include any person who, as the joint result of—

- (a) a disease to which the Benefit Act applies in respect of which he is, or has at any time after 4th July 1956 been, entitled to weekly payments by way of an allowance by virtue of section 1(1)(a) of that Act; and
- (b) one or more other diseases or injuries in respect of each of which he is, or has at any such time been, entitled to weekly payments by way either of such an allowance or of workmen's compensation or of an allowance under the Supplementation Act,

is totally incapable of work and likely to remain so incapable for a considerable period.

(3) Subject to the provisions of the Benefit Act and to any provisions of a scheme thereunder for an adjustment of benefit thereunder by reference to pensions, allowances or other benefits payable out of public funds, the weekly rate of an allowance under that Act payable to any person by virtue of subsection (2) of this section in consequence of two or more diseases or injuries shall be the corresponding disablement pension rate less the amount of any weekly payments by way of workmen's compensation payable to that person in consequence of any of those diseases or injuries.

(4) For the avoidance of doubt—

- (a) the benefits in relation to which restrictions are or may be imposed by virtue of section 2 of the Benefit Act or section 2(1)(a) of the Industrial Diseases (Benefit) Act 1954 shall not include an allowance by virtue of subsection (2) of this section; and
- (b) nothing in section 3(2) of the Benefit Act shall apply to such an allowance.

1954 c. 16.

3.—(1) A scheme under the Supplementation Act or under the Benefit Act may include provision for adjusting the rate of, or extinguishing any right to, an allowance under the Act in question or under the other of those Acts in a case where the same person is, or would otherwise be, entitled separately in respect of two or more injuries or diseases to an allowance under the Act in question or, as the case may be, to both such an allowance and an allowance under the other of those Acts.

Supplementary provisions as to allowance.

(2) Where immediately before the commencement of this Act a person was receiving payments by way of one or more allowances under the Supplementation Act, the Benefit Act or the Act of 1956 of a greater amount or aggregate amount than, but for the provisions of this subsection, he would be entitled to receive after the commencement of this Act by way of allowances under the Supplementation Act or the Benefit Act, he shall continue to be entitled to that greater amount or aggregate amount for any period after the commencement of this Act for which he would have so continued if this Act had not been passed.

(3) Any claim in respect of a period before the commencement of this Act for an allowance under the Supplementation Act, the Benefit Act or the Act of 1956 may be made, and, when made, shall be determined, and any award thereon in respect of such a period shall be made, as if this Act had not been passed; and if on any such claim an allowance is awarded, subsection (2) of this section shall apply as if the claimant had been receiving payment of that allowance immediately before that commencement, whether or not he was in fact doing so.

(4) A scheme under the Supplementation Act or under the Benefit Act may include provision for the payment or award in respect of any period beginning on or after the date of commencement of this Act of an allowance under the Act in question without any further award or, as the case may be, any further claim, in a case where evidence of the satisfaction of the conditions for that allowance is afforded by the award before that date or under subsection (3) of this section of an allowance under the Act in question or under the Act of 1956.

4.—(1) For the purposes of this Act—

(a) the expression “corresponding disablement pension rate” means the weekly rate for the time being of a pension payable under section 12(5) of the National Insurance (Industrial Injuries) Act 1965 in respect of an assessment of one hundred per cent.;

Other supplementary provisions.

1965 c. 52.

(b) the expression “pneumoconiosis” means fibrosis of the lungs due to silica dust, asbestos dust or other dust,

and includes the condition of the lungs known as dust-reticulation; and, in the case of a person who suffers from pneumoconiosis accompanied by tuberculosis, the effects of the tuberculosis may be treated as if they were effects of the pneumoconiosis;

- (c) a period shall be treated as considerable if it lasts or can be expected to last for not less than thirteen weeks;
- (d) a person may be treated as being, as the result of an injury or disease or as the joint result of two or more injuries or diseases, totally incapable of work and likely to remain so incapable for a considerable period notwithstanding that the disability resulting from the injury or disease or, as the case may be, from the injuries or diseases taken together is not such as to prevent him from being capable of work, if it is likely to prevent his earnings (including any remuneration or profit derived from a gainful occupation) exceeding one hundred and four pounds a year.

(2) For the purposes of the Supplementation Act and this Act—

- (a) the expression "workmen's compensation" shall mean compensation under any of the Workmen's Compensation Acts or under any contracting-out scheme duly certified under any of those Acts;
- (b) the expression "the Workmen's Compensation Acts" shall mean the Workmen's Compensation Acts 1925 to 1945, the enactments repealed by the Workmen's Compensation Act 1925, and the enactments repealed by the Workmen's Compensation Act 1906;
- (c) the expressions "relevant accident" and "relevant injury or disease" shall mean the accident in consequence of which, or, as the case may be, the injury or disease in respect of which, an entitlement to weekly payments by way of workmen's compensation arose;
- (d) a payment—

(i) under the Workmen's Compensation (War Addition) Acts 1917 and 1919; or

(ii) under the Workmen's Compensation (Supplementary Allowances) Act 1940 as amended by the Workmen's Compensation (Temporary Increases) Act 1943,

shall be treated as a weekly payment by way of workmen's compensation.

(3) For the purposes of section 1(1) of the Supplementation Act and section 1(1) of this Act, a person shall be deemed to

1925 c. 84.

1906 c. 58.

1917 c. 42.

1919 c. 83.

1940 c. 47.

1943 c. 49.

be or have been entitled to weekly payments by way of workmen's compensation at any time if he would be or, as the case may be, have been so entitled at that time if—

- (a) the amount of any payment, allowance or benefit received by him otherwise than by way of workmen's compensation ; or
- (b) where the relevant accident happened before 1st January 1924, either the said amount, or the amount he is earning or able to earn in some suitable employment or business, or both those amounts,

were sufficiently reduced.

(4) Where a scheme under the Supplementation Act or the Benefit Act is made for the purpose only of replacing provisions of previous schemes with new provisions to the same effect, section 1(4) of the Supplementation Act or, as the case may be, section 1(5) of the Benefit Act shall not apply so far as it provides that any such scheme shall not be made unless a draft of it has been laid before Parliament and approved by resolution of each House, but the scheme shall instead be subject to annulment in pursuance of a resolution of either House of Parliament.

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

(6) The enactments specified in Schedule 1 to this Act shall have effect subject to the consequential and other minor amendments so specified in relation to those enactments respectively ; and the enactments specified in Schedule 2 to this Act are hereby repealed to the extent respectively specified in the third column of that Schedule.

5. Subject to the provision made by section 61 of the National Insurance (Industrial Injuries) Act 1965 for reimbursement out of the Industrial Injuries Fund, there shall be paid out of moneys provided by Parliament any increase attributable to this Act in the expenses of the Minister of Pensions and National Insurance or any other government department which are so payable under the said section 61 as applied by the Supplementation Act or the Benefit Act. Expenses. 1965 c. 52.

6.—(1) This Act may be cited as the Workmen's Compensation and Benefit (Amendment) Act 1965. Short title and commencement.

(2) This Act shall come into operation on such day as the Minister of Pensions and National Insurance may by order made by statutory instrument appoint.

SCHEDULES

Section 4(6).

SCHEDULE 1

CONSEQUENTIAL AND OTHER MINOR AMENDMENTS

1. In section 1(1) of the Supplementation Act, at the beginning there shall be inserted the words "Subject to the provisions of section 1(1) of the Workmen's Compensation and Benefit (Amendment) Act 1965"; and the words from "in consequence" onwards shall cease to have effect.

2. In section 1(2) of the Supplementation Act, after the words "provisions of this Act" there shall be inserted the words "and the provisions of the said Act of 1965".

3. In section 1(5)(c) of the Supplementation Act, after the words "this Act" there shall be inserted the words "or in the said Act of 1965".

4. In section 2(3) of the Supplementation Act, for the words "references in the last foregoing subsection" there shall be substituted the words "reference in section 1(6)(b) of the Workmen's Compensation and Benefit (Amendment) Act 1965".

5. In section 2(5) of the Supplementation Act, after the words "in this section" there shall be inserted the words "or in the said Act of 1965", and at the end there shall be added the words "and provided further that a scheme may include provision that, in such special circumstances or cases and for such purposes as may be specified in the scheme, any such reference as aforesaid shall be taken as referring to such amount as it may be determined in manner provided by the scheme ought reasonably and properly to have been the amount of those weekly payments".

6. In section 2(6) of the Supplementation Act, after the figures "1919" there shall be inserted the words "or under the Workmen's Compensation (Supplementary Allowances) Act 1940 as amended by the Workmen's Compensation (Temporary Increases) Act 1943".

1940 c. 47.
1943 c. 49.

7. For the avoidance of doubt, the transitional or consequential provisions for modifying any scheme made under the enactments repealed by section 89(1) of the National Insurance (Industrial Injuries) Act 1946 which may be made by virtue of paragraph (b) of the proviso to the said section 89(1) shall include provision for the union of any fund established under any such scheme with any other fund established for comparable purposes.

1946 c. 62.

SCHEDULE 2

Section 4(6).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
14 & 15 Geo. 6. c. 22.	The Workmen's Compensation (Supplementation) Act 1951.	Section 1(1) from "in consequence" onwards. Section 1(5)(a), (b) and (d). Section 2(1), (2), (4) and (8). The whole Act.
4 & 5 Eliz. 2. c. 51.	The Workmen's Compensation and Benefit (Supplementation) Act 1956.	In the Schedule, paragraph 2.
5 & 6 Eliz. 2. c. 26.	The National Insurance Act 1957.	Section 1. Section 3(4) from "and in subsection" onwards. Schedule 1. Section 5.
10 & 11 Eliz. 2. c. 6.	The Family Allowances and National Insurance Act 1961.	Section 1. Section 3(4) from "and in subsection" onwards. Schedule 1. Section 5.
1963 c. 7.	The National Insurance Act 1963.	Section 5.
1964 c. 96.	The National Insurance &c. Act 1964.	Section 3(1) and (2).



Rural Water Supplies and Sewerage Act 1965

1965 CHAPTER 80

An Act to increase the limit on the contributions out of moneys provided by Parliament which may be made under section 1 of the Rural Water Supplies and Sewerage Act 1944. [22nd December 1965]

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

Increase of limit on contributions.
1944 c. 26.

1.—(1) The following shall be substituted for subsection (5) of section 1 of the Rural Water Supplies and Sewerage Act 1944 (government contributions towards expenses of local authorities for rural water supplies and sewerage):—

“(5) Any contributions made under this section shall be defrayed out of moneys provided by Parliament, and shall not, in the aggregate, exceed one hundred and five million pounds.”

1951 c. 45.
1955 c. 13.

(2) The following enactments are hereby repealed, that is to say the Rural Water Supplies and Sewerage Act 1951, in section 1(3) of the Rural Water Supplies and Sewerage Act 1955, the words “as amended by the Rural Water Supplies and Sewerage Act 1951” and subsections (1) and (3) of section 1 of the Rural Water Supplies and Sewerage (No. 2) Act 1955.

1955 c. 15.
(4 & 5 Eliz. 2).

Short title, citation and extent.

2.—(1) This Act may be cited as the Rural Water Supplies and Sewerage Act 1965.

(2) The Rural Water Supplies and Sewerage Acts 1944 to 1961 and this Act may be cited together as the Rural Water Supplies and Sewerage Acts 1944 to 1965.

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



Housing (Slum Clearance Compensation) Act 1965

1965 CHAPTER 81

An Act to amend the provisions of Part II of Schedule 2 to the Housing Act 1957 relating to private dwellings.
[22nd December 1965]

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

1.—(1) Paragraph 4(1) in Part II of Schedule 2 to the Housing Payments Act 1957 (payments to owner-occupiers of unfit houses purchased to owner-occupiers of or vacated in pursuance of certain compulsory purchase orders, unfit houses. demolition or closing orders or clearance orders) shall have effect 1957 c. 56. in relation—

- (a) to any such order made before 13th December 1965, and
- (b) where the date on which the owner-occupier acquired his interest fell in the period of five years beginning with 13th December 1950, to any such order made within fifteen years beginning with the said date on which the owner-occupier acquired his interest,

and in the said paragraph 4(1) the words “ at any time before 13th December 1965 ” (which restrict the paragraph to cases where the compulsory purchase or vacation of the house took place before that date) shall be repealed.

(2) In this section the references to the date on which the owner-occupier acquired his interest are references to the date of the acquisition of the interest in the house referred to in the said paragraph 4(2).

Money borrowed by owner-occupier to purchase unfit house or on security of an unfit house. 1957 c. 56.

2.—(1) The jurisdiction exercisable by the county court under paragraph 5 in Part II of Schedule 2 to the Housing Act 1957 (power to modify mortgages, charges and agreements to purchase by instalments) shall be exercisable in any case described in subsection (2) of this section, and not only where a payment falls to be made under paragraph 4 in the said Part II and, accordingly, in the said paragraph 5(1) before the words “either party to the mortgage, charge or agreement may apply to the county court” there shall be inserted the words “or where section 2 of the Housing (Slum Clearance Compensation) Act 1965 applies”.

(2) This section shall apply where a house is purchased at site value in pursuance of a compulsory purchase order made by virtue of Part II or Part III of the Housing Act 1957, or has been vacated in pursuance of a demolition order, closing order or clearance order, and—

- (a) on the date of the making of the compulsory purchase or other order the whole or any part of the house is occupied as a private dwelling by a person having an interest in the house, and is so occupied in right of that interest, and
- (b) that person continues to own that interest until the end of the relevant period, and
- (c) that interest has, throughout the relevant period, been subject to a mortgage or charge or to an agreement to purchase by instalments.

(3) In determining what order, if any, to make under the said paragraph 5 (as originally enacted or as applied by this section) in the case of a mortgage or charge securing a sum which represents all or any part of the purchase price payable for the interest, the court shall have regard, without prejudice to the other considerations to be taken into account under the said paragraph 5, to whether the purchase price was excessive.

(4) This section shall apply in relation to cases where the purchase or vacation of the house in pursuance of the compulsory purchase or other order took place at any time before, as well as after, the passing of this Act.

(5) In this section “the relevant period” means the period from the date of the making of the compulsory purchase or other order to—

- (a) in the case of a compulsory purchase order, the date of service of notice to treat (or deemed service of notice to treat) for purchase of the said interest or, if the purchase is effected without service of notice to treat, the date of completion of that purchase, and

(b) in the case of any other order, the date of vacation of the house in pursuance of the order,
or, if the owner of the interest died before the date specified in paragraph (a) or (b) of this subsection, to the date of death.

(6) Paragraph 7 in Part II of Schedule 2 to the Housing Act 1957 c. 56. 1957 shall apply for the interpretation of this section and in this section—

“ demolition order ” means a demolition order under Part II of the Housing Act 1957;

“ closing order ” means a closing order under section 17 of that Act.

3. There shall be paid out of money provided by Parliament Expenses. any increase attributable to this Act in the sums so payable under any other Act.

4.—(1) This Act may be cited as the Housing (Slum Clearance Citation, Compensation) Act 1965, and this Act and the Housing Acts construction and extent. 1957 to 1964 may be cited together as the Housing Acts 1957 to 1965.

(2) Any reference in this Act to an enactment includes a reference to that enactment as amended or extended by or under any Act, and, in particular, references in this Act to Part II of Schedule 2 to the Housing Act 1957 include references to the said Part II as extended by paragraph 2(2) of Schedule 2 to the Land Compensation Act 1961; and the said paragraph 2 shall 1961 c. 33. have effect as if sections 1 and 2 of this Act formed part of the said Part II.

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



Coal Industry Act 1965

1965 CHAPTER 82

An Act to make provision with respect to borrowing by, and loans by the Minister of Power to, the National Coal Board; with respect to the capital reconstruction, and the application of certain funds, of that Board; for the making of grants with the object of accelerating the redeployment of the manpower resources of that Board and the elimination of uneconomic colliery capacity; with respect to pensions or compensation for certain persons who have been members of that Board; and for connected purposes.

[22nd December 1965]

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

1.—(1) Subject to subsections (3) and (4) of this section, the National Coal Board (hereafter in this Act referred to as "the Board") may borrow temporarily, by way of overdraft or otherwise, either from the Minister of Power (hereafter in this Act referred to as "the Minister") or, with the consent of the Minister, from any other person, such sums as the Board may require for meeting their obligations and discharging their functions.

Borrowing by,
and loans by
Minister of
Power to,
National
Coal Board.

(2) Subject to subsection (3) of this section, the Board may borrow (otherwise than by way of temporary loan) from the Minister such sums as the Board may require in connection with their functions for all or any of the following purposes, that is to say—

- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets;

- (b) for the provision of working capital ;
- (c) for acquiring an undertaking or part of an undertaking ;
- (d) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him or, where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate within the meaning of section 154 of the Companies Act 1948 ;
- (e) for subscribing for or acquiring shares, stock, debentures, debenture stock, or other securities of a like nature, of a body corporate, otherwise than by way of investment ;
- (f) to pay off any money borrowed by the Board ;
- (g) for any purpose for which capital moneys are properly applicable (whether or not specified in the foregoing paragraphs of this subsection).

1948 c. 38.

(3) Without prejudice to subsection (4) of this section, the aggregate amount outstanding in respect of the principal of all sums borrowed by the Board under this section (including the sums which under section 2(1)(a) of this Act are deemed to have been so borrowed) shall not exceed £700,000,000, or such greater sum not exceeding £750,000,000 as the Minister may from time to time by order made by statutory instrument specify ; and no such order shall be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament.

(4) The aggregate of the amounts outstanding in respect of sums borrowed temporarily by the Board under subsection (1) of this section (including the sum which under section 2(1)(a)(i) of this Act is deemed to have been so borrowed)—

- (a) shall not at any time exceed such limit as the Minister may from time to time direct ; and
- (b) at the end of any financial year of the Board shall not be such as to permit any accumulated deficit on the Board's revenue account to exceed £30,000,000.

(5) The Board shall not have power to borrow money except in accordance with this section.

(6) The Minister may lend to the Board any sums which the Board have power to borrow under subsection (1) or (2) of this section.

(7) The foregoing provisions of this section (other than subsections (3) and (4) thereof) shall be deemed to have come into force on 28th March 1965 and—

1946 c. 59.

- (a) the provisions of the Coal Industry Nationalisation Act 1946 (hereafter in this Act referred to as " the Act of 1946 ") specified in Schedule 1 to this Act shall have effect subject to the amendments respectively specified

in that Schedule, being amendments designed to cause those provisions to apply to sums lent to the Board by the Minister, or borrowed by the Board, under this section as they applied to advances by the Minister to the Board, or sums borrowed by the Board, under that Act ;

- (b) any advances made to the Board by the Minister under section 26 or 27 of the Act of 1946, and any sums borrowed from the Minister by the Board under the said section 27, being advances made or sums borrowed on or after 28th March 1965, shall be treated as loans made to the Board by the Minister, or, as the case may be, sums borrowed by the Board, under this section ; and any directions with respect to any such advances given under paragraph (b) of section 28(1) of the Act of 1946 before the passing of this Act shall be deemed to have been given under the said paragraph (b) as amended by the said Schedule 1 ;
- (c) any amounts outstanding at the passing of this Act in respect of sums borrowed temporarily under the said section 27 from any person other than the Minister shall be treated as having been borrowed under subsection (1) of this section ; and accordingly any guarantee in respect thereof given by the Treasury under subsection (4) of the said section 27 shall continue to have effect.

2.—(1) All outstanding liabilities of the Board to the Minister in respect of any advances made to the Board by the Minister before 28th March 1965 or in respect of any expenses and liabilities incurred as mentioned in section 28(1)(a) of the Act of 1946 before that date, other than liabilities in respect of interest for the period beginning with 31st December 1964 and ending with 27th March 1965, shall be extinguished ; but—

Capital reconstruction, and application of funds, of Board.

- (a) the following sums shall be deemed to have been borrowed by the Board from the Minister under section 1 of this Act (and to have been lent to the Board by the Minister under subsection (6) of that section) on 28th March 1965, that is to say—
 - (i) by virtue of subsection (1) of that section, the sum of £18,085,482 ;
 - (ii) by virtue of subsection (2) of that section, the sum of £527,000,000 ;
- (b) the Board shall credit the sum of £415,000,000 to their reserve fund ;
- (c) section 28(1) of the Act of 1946 shall apply to the payment of any such interest as aforesaid as it applies to the payment of interest on the sums therein mentioned.

(2) Notwithstanding anything in section 29 of the Act of 1946, until the end of March 1971 no sums standing to the credit of the reserve fund of the Board shall be applied for any purpose without the consent of the Minister.

(3) The directions which may be given to the Board by the Minister by virtue of paragraph (b) of the proviso to section 30 of the Act of 1946 (which relates to the application of any excess of the Board's revenues for any financial year of the Board over their outgoings for that year properly chargeable to revenue account) shall, notwithstanding anything in paragraph (a) of that proviso, include directions requiring the whole or any part of that excess to be paid to the Minister; and any sums received by the Minister by virtue of this subsection shall be paid into the Exchequer and be included among the sums of the receipt and disposal of which the Minister is required by section 35 of the Act of 1946 to prepare an annual account.

Grants in connection with pit closures.

3.—(1) With the object of accelerating the redeployment of the manpower resources of the Board and the elimination of uneconomic colliery capacity, the Minister may, with the consent of the Treasury and subject to subsection (2) of this section, make to the Board out of moneys provided by Parliament such grants towards any relevant increase of expenditure for any of the five years ending with 27th March 1971 as it appears to him will assist in the attaining of that object.

(2) Any grants made by the Minister under this section—

- (a) shall not exceed in the aggregate £30,000,000; and
- (b) in respect of any one year, shall not exceed in the aggregate an amount equal to half the relevant increase of expenditure for that year.

(3) In this section—

- (a) the expression “relevant increase of expenditure”, in relation to any year, means the amount by which the aggregate of the Board's relevant expenditure for that year, as certified by the Board's auditors, exceeds £3,800,000 (being the estimated aggregate of the Board's relevant expenditure for the year ending with 27th March 1965);
- (b) the expression “relevant expenditure” means expenditure, determined in such manner as may, with the approval of the Treasury, be agreed between the Minister and the Board, on any of the following, namely—

- (i) payments under the Redundancy Payments Act 1965, so far as those payments exceed any sums received by the Board in consequence thereof under

that Act, and payments under any scheme for comparable purposes made under section 37 of the Act of 1946 ;

(ii) payments in respect of loss of superannuation and employment prospects ;

(iii) payments by way of contributions to superannuation funds maintained by virtue of the said section 37 in respect of any increase in the cost of retirement benefits paid before normal retiring age ;

(iv) payments to persons in the employment of the Board whose place of employment is changed, and who in consequence change their place of residence, in connection with the removal and resettlement of those persons with or without their dependants ;

(v) the provision of housing for such persons as are mentioned in sub-paragraph (iv) of this paragraph ;

(vi) the provision of travelling allowances or transport services for persons employed by the Board whose place of employment is changed ;

(vii) the temporary supplementation of the earnings of persons employed by the Board whose work or place of employment is changed in consequence of the closure of, or of part of, a pit ;

(viii) the maintenance of existing social welfare activities within the meaning of the Miners' Welfare Act 1952, or of existing arrangements for the provision of benefits in kind, in areas where the number of persons employed by the Board has fallen since the end of March 1965 as the consequence of the closure of collieries ;

(c) the expression " year " means a financial year of the Board ;

(d) references to expenditure for any year shall be construed as references to expenditure actually incurred in that year, except that the Minister and the Board may, with the approval of the Treasury, agree—

(i) that expenditure to be incurred in pursuance of obligations undertaken by the Board in any year to make payments over periods extending beyond that year shall, to such extent as may be so agreed, be treated for the purposes of this section as expenditure in that year of an amount greater than that actually incurred determined in such manner as may be so agreed ; and

(ii) that, in lieu of any expenditure incurred in connection with the provision of housing by the Coal Industry Housing Association, the Board shall be deemed to have incurred such obligations involving such expenditure as it may be so agreed would have been incurred by the Board if that housing had been provided by a local authority.

Pensions or compensation of members of Board.

4.—(1) Without prejudice to the generality of the provisions of section 37 of the Act of 1946, regulations made under that section may contain provisions authorising the treatment of any person who, being a participant in any pension scheme to which the regulations relate, becomes a member of the Board as if his service as a member of the Board were service to which the pension scheme relates; and the benefit rights of any such person resulting from the operation of any such provision shall not be affected by the provisions of section 2(6) of that Act requiring any pensions or gratuities to or in respect of members of the Board to be determined by the Minister with the approval of the Treasury.

(2) Where after the passing of this Act a person ceases to be a member of the Board otherwise than on the expiry of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of the Treasury require the Board to make to that person a payment of such amount as may be determined by the Minister with the approval of the Treasury.

Citation, construction, repeals and extent.

5.—(1) This Act may be cited as the Coal Industry Act 1965, and the Coal Industry Acts 1946 to 1962 and this Act may be cited together as the Coal Industry Acts 1946 to 1965.

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

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

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

SCHEDULES

SCHEDULE 1

Section 1(7)(a).

CONSEQUENTIAL AMENDMENTS OF COAL INDUSTRY NATIONALISATION ACT 1946 c. 59.

1. In section 27, as substituted by section 1 of the Coal Industry Act 1962, in subsection (4) (which relates to the guarantee by the Treasury of sums borrowed temporarily by the Board, otherwise than from the Minister, under the said section 27) for the words "this section" there shall be substituted the words "section 1(1) of the Coal Industry Act 1965". (11 & 12 Eliz. 2).

2. In section 28 (which relates to the making of payments to the Minister by the Board, and the payment into the Exchequer and issue out of the Consolidated Fund of sums received by the Minister by way of such payments) for paragraph (b) of subsection (1) there shall be substituted the following:—

(b) payments of interest on sums lent to the Board by the Minister under section 1(6) of the Coal Industry Act 1965 at such rate as he may so direct, and payments, of such amounts as he may so direct, in or towards repayment of such sums.

3. In section 34(1) (which authorises the Treasury to issue to the Minister out of the Consolidated Fund such sums as are necessary to enable him to make money payments, and advances to the Board, under the Act of 1946), for the words from "money" onwards there shall be substituted the words "money payments under this Act and loans to the Board under section 1(6) of the Coal Industry Act 1965".

SCHEDULE 2

Section 5(3).

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 59.	The Coal Industry Nationalisation Act 1946.	Section 26. In section 27 as substituted by the Coal Industry Act 1962, subsections (1) to (3) and (9).
14 & 15 Geo. 6. c. 41.	The Coal Industry Act 1951.	Section 1.
4 & 5 Eliz. 2. c. 61.	The Coal Industry Act 1956.	The whole Act.
8 & 9 Eliz. 2. c. 17.	The Coal Industry Act 1960.	The whole Act.
10 & 11 Eliz. 2. c. 5.	The Coal Industry Act 1961.	The whole Act.
11 & 12 Eliz. 2. c. 6.	The Coal Industry Act 1962.	In section 1, subsections (1) to (3) and (9) of the section substituted thereby for section 27 of the Act of 1946. Section 3.



Teachers' Superannuation Act 1965

1965 CHAPTER 83

An Act to amend the law relating to the superannuation and other benefits payable to or in respect of teachers and certain other persons employed in connection with the provision of educational services, and for purposes connected therewith. [22nd December 1965]

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

1.—(1) The Secretary of State may, with the consent of the Teachers' Treasury, make provision by regulations as to the superannuation benefits payable to or in respect of teachers who are or have been employed in reckonable service; and such regulations are in this Act referred to as "superannuation regulations".

(2) Without prejudice to the generality of the power to make superannuation regulations, any such regulations—

- (a) shall include regulations to give effect to the provisions specified in Part I of Schedule 1 to this Act,
- (b) may include regulations to give effect to the provisions specified in Part II of that Schedule, and
- (c) may contain such incidental, supplementary and consequential provisions as appear to the Secretary of State to be necessary or expedient, including provision requiring the giving of information and the production of documents.

(3) Before making any superannuation regulations, the Secretary of State shall consult with representatives of local education authorities and of teachers appearing to him to be likely to be affected by the proposed regulations.

(4) The power to make superannuation regulations shall be exercisable by statutory instrument; and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provisions consequential on coming into force of superannuation regulations. 1925 c. 59. 1956 c. 53.

2.—(1) Subject to the following provisions of this section, on the appointed day—

- (a) the provisions of the Teachers (Superannuation) Act 1925 specified in Part I of Schedule 2 to this Act shall have effect subject to the amendments set out in that Part of that Schedule;
- (b) the provisions of the Teachers (Superannuation) Act 1956 specified in Part II of that Schedule shall have effect subject to the amendments set out in that Part of that Schedule;
- (c) such provisions of the enactments specified in Part II of Schedule 3 to this Act as are specified in column 3 of that Schedule shall cease to have effect;
- (d) any scheme under section 21 of the Teachers (Superannuation) Act 1925 which is in force immediately before the appointed day shall cease to have effect; and
- (e) any rules which are in force immediately before the appointed day and were made under any of the provisions referred to in paragraph (c) of this subsection shall cease to have effect.

(2) Nothing in this section or in any superannuation regulations shall affect the operation of any provision of the Teachers (Superannuation) Acts 1918 to 1956, of any such scheme as is referred to in paragraph (d), or of any such rules as are referred to in paragraph (e), of the preceding subsection, in relation to—

- (a) any annual allowance which began to accrue under those Acts or under any such scheme before the passing of this Act or which begins to accrue after the passing of this Act but before the appointed day;
- (b) any additional allowance or gratuity which became payable under those Acts or under any such scheme before the passing of this Act or which becomes payable after the passing of this Act but before the appointed day; or
- (c) any liability to pay contributions in respect of the person to or in respect of whom any such allowance or gratuity is or was granted.

Pensions for widows, widowers, children and dependants.

3.—(1) Without prejudice to the generality of the power to make superannuation regulations, such regulations may make provision for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to or in respect of the widows or widowers and the children

or other dependants of teachers who die after the passing of this Act.

(2) Regulations making any such provision as is referred to in the preceding subsection shall—

- (a) require the payment to the Secretary of State, in such cases as may be prescribed, of contributions by teachers of such amounts as may be determined in accordance with the regulations ;
 - (b) in such cases as may be prescribed, require the payment to the Secretary of State of a single contribution, by or in respect of a teacher, of such amount as may be determined in accordance with the regulations, and, except where the regulations otherwise provide, require any such payment to be made by the surrender of the whole or a proportion of an additional allowance or gratuity payable to or in respect of that teacher, or of any sum payable to or in respect of him by way of return of superannuation contributions ;
 - (c) provide for the repayment to a teacher or his personal representatives, in such cases and on such conditions as may be prescribed, of contributions paid by him as mentioned in paragraph (a) of this subsection, and for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained ;
 - (d) provide for the establishment of a fund out of which shall be paid the pensions referred to in the preceding subsection and any sums required to be repaid as mentioned in the last preceding paragraph and into which shall be paid all contributions received by the Secretary of State as mentioned in paragraph (a) or paragraph (b) of this subsection ;
 - (e) provide for the establishment of a board of management to undertake the management of the fund and to exercise such other powers and functions in relation to the pensions referred to in the preceding subsection as may be determined in accordance with the regulations ; and
 - (f) provide for the payment of the administrative expenses of the board of management by the Secretary of State and the payment by him, to the members of the board, of such travelling, subsistence and other allowances as he may, with the consent of the Treasury, determine.
- (3) Regulations making any such provision as is referred to in subsection (1) of this section may provide that, in such cases as may be prescribed,—
- (a) where a teacher ceases to be employed in reckonable service and takes up other employment in relation to which provision is made for payments to be made

to or for the benefit of the dependants of persons engaged in that employment, then, for the purpose of enabling some or all of the teacher's employment in reckonable service to be taken into account in determining the amount of any such payment which may become payable to or in respect of his dependants, there may be paid, out of the fund established in accordance with subsection (2)(d) of this section, such sum as may be determined in accordance with the regulations; and

(b) where a person who has been engaged in employment in relation to which provision is made as mentioned in the preceding paragraph becomes employed in reckonable service, there may be paid into the fund established in accordance with subsection (2)(d) of this section a payment in respect of some or all of his previous employment.

(4) Regulations making any such provision as is referred to in subsection (1) of this section—

(a) may confer on the Government Actuary or on the Deputy Government Actuary such functions as may be prescribed in relation to the valuation of the assets and liabilities of the fund established in accordance with subsection (2)(d) of this section and in relation to the determination of the amount of any contribution payable by a teacher under the regulations;

(b) may be made so as to come into force, notwithstanding anything in section 1 of this Act, before the regulations making the provisions referred to in Part I of Schedule 1 to this Act; and

(c) without prejudice to section 1(2)(c) of this Act may contain such transitional provisions as appear to the Secretary of State to be necessary or expedient to deal with the case of teachers who die after the passing of this Act but before the coming into force of the regulations.

(5) The reference in subsection (2)(b) of this section to an additional allowance or gratuity is a reference to such an allowance or gratuity payable under the Teachers (Superannuation) Acts 1918 to 1956, under any scheme made under section 21 of the Teachers (Superannuation) Act 1925 or under superannuation regulations.

1925 c. 59.

Amendment
of Teachers
(Superannua-
tion) Act
1937, s. 2.
1937 c. 47.

4.—(1) Subject to the following provisions of this section, in subsection (2) of section 2 of the Teachers (Superannuation) Act 1937 (which provides that where, with the consent of the Secretary of State, a teacher pays superannuation contributions during an interval in his contributory service, the contributions

shall be assessed on the basis of his full salary before the discontinuance) for the words "his full salary in respect of his contributory service" there shall be substituted the words "the salary which, in the opinion of the Secretary of State, he would have received had he continued to be employed in contributory service consisting of the same or similar employment to that in which he was employed".

(2) The preceding subsection shall not apply in relation to a teacher to or in respect of whom—

(a) any annual allowance began to accrue before 10th November 1965 under the Teachers (Superannuation) Acts 1918 to 1956; or

(b) any gratuity became payable before that date under those Acts.

(3) Subject to the last preceding subsection, subsection (1) of this section shall not apply in relation to any teacher in whose case the Secretary of State has, before the passing of this Act, consented to the payment of superannuation contributions, unless the teacher elects, by giving notice in writing to the Secretary of State, that it shall so apply.

(4) In a notice of election under the last preceding subsection, a teacher may specify a date, not later than the passing of this Act and not earlier than 1st January 1962, from which the election is to take effect; and where a teacher specifies such a date, then, in relation to him, the amendment effected by subsection (1) of this section—

(a) shall not have effect in relation to any part of a period of absence which falls before that date, but

(b) shall have effect in relation to the remainder of any period of absence which began before that date and in relation to the whole of any period of absence which began on or after that date.

(5) If a teacher does not specify a date in a notice of election under subsection (3) of this section, then, in relation to him, the amendment effected by subsection (1) of this section shall have effect in relation to any period of absence beginning on or after 1st January 1962 and in relation to so much of any period of absence which began before that date as does not fall before that date.

(6) In this section "period of absence" means such a period of absence as is referred to in section 2(1) of the Teachers (Superannuation) Act 1937.

1937 c. 47.

5.—(1) Any person who by means of any false representation, statement or document which he knows to be false, or by personation or other fraudulent means, obtains or attempts to obtain, for himself or any other person, any benefit or payment to which this section applies, shall be liable on conviction on

Offences relating to obtaining superannuation benefits, etc.

indictment to imprisonment for a term not exceeding two years or to a fine or both and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or both.

(2) The reference in subsection (1) of this section to obtaining a benefit or payment to which this section applies includes a reference to obtaining any increase in, or any sum in respect of, such a benefit or payment.

(3) Any reference in this section to a benefit to which this section applies is a reference to any allowance, gratuity or pension payable under superannuation regulations or under or by virtue of any provision of the Teachers (Superannuation) Acts 1918 to 1956 which is repealed by this Act; and any reference in this section to a payment to which this section applies is a reference to the payment of any sum by way of return of contributions.

Financial provisions.

6.—(1) Except as provided by subsection (3) of this section, any sums received by the Secretary of State by virtue of any provision of this Act or of superannuation regulations shall be paid into the Exchequer.

(2) Except as provided by the next following subsection, there shall be paid out of moneys provided by Parliament any expenses incurred by the Secretary of State in the payment—

(a) of any allowance, gratuity or other sum which is payable to or in respect of a teacher or any other person in consequence of any provision of this Act or of superannuation regulations, and

(b) of any such expenses or allowances as are referred to in paragraph (f) of section 3(2) of this Act.

(3) Subsection (1) of this section shall not apply to any contributions received by the Secretary of State which, in accordance with superannuation regulations making the provisions referred to in subsection (2) of section 3 of this Act, are required to be paid into the fund established in accordance with paragraph (d) of that subsection; and the last preceding subsection shall not apply to expenses incurred in the payment of any pensions or other sums referred to in that paragraph which, by virtue of any such superannuation regulations, are required to be paid out of that fund.

(4) There shall be paid out of moneys provided by Parliament—

(a) any administrative expenses incurred by the Secretary of State in consequence of any provision of this Act or of superannuation regulations,

(b) any increase attributable to any such provision in the sums payable out of moneys so provided under any other enactment.

7.—(1) In this Act—

Interpretation.

“the appointed day” means such day as may be appointed for the purposes of section 2 of this Act by superannuation regulations;

“prescribed” means prescribed by superannuation regulations; and

“superannuation regulations” has the meaning assigned to it by section 1(1) of this Act.

(2) In this Act “contributory service” has the same meaning as it has, immediately before the passing of this Act, for the purposes of the Teachers (Superannuation) Acts 1918 to 1956; and, notwithstanding the repeal of any enactment specified in Schedule 3 to this Act, in any enactment in force immediately after the appointed day “recognised service” and “contributory service” have the same meanings on and after that day as they had immediately before it.

(3) Except where the context otherwise requires, any reference in this Act to contributions is a reference to contributions under—

(a) section 9 of the Teachers (Superannuation) Act 1925, 1925 c. 59.

(b) any provision of the Teachers (Superannuation) Acts 1918 to 1956 repealed by this Act, and

(c) any provision of superannuation regulations;

and “superannuation contributions” means all contributions other than those which, by virtue of superannuation regulations making the provisions referred to in subsection (2) of section 3 of this Act, are required to be paid into the fund established in accordance with paragraph (d) of that subsection.

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

8.—(1) Subject to the next following subsection, the enactments specified in Schedule 3 to this Act are hereby repealed **Repeals.**
to the extent specified in column 3 of that Schedule—

(a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act; and

(b) in the case of the enactments specified in Part II of that Schedule, as from the appointed day.

(2) The repeal of the enactments specified in Part II of Schedule 3 to this Act shall have effect subject to subsection (2) of section 2 of this Act as if the repeal were contained in that section.

9.—(1) This Act may be cited as the Teachers' Superannua- **Short title**
tion Act 1965. **and extent.**

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

SCHEDULES

Section 1.

SCHEDULE 1

SUPERANNUATION REGULATIONS

PART I

PROVISIONS TO BE INCLUDED IN SUPERANNUATION REGULATIONS

1.—(1) Provision for the payment of allowances, in accordance with the following provisions of this paragraph, to any teacher who has ceased to be employed in reckonable service and who—

- (a) has attained the prescribed age, or
- (b) before attaining the prescribed age, has become, in the opinion of the Secretary of State, permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(2) Subject to the following provisions of this paragraph, the allowances referred to in the preceding sub-paragraph shall be—

- (a) an annual allowance during life not exceeding an amount calculated by reference to the period of the teacher's reckonable service at the rate of one-eightieth of his average salary for one year of reckonable service ; and
- (b) by way of additional allowance, a lump sum not exceeding an amount calculated by reference to that period at the rate of three-eightieths of his average salary for one year of reckonable service ;

but no allowance shall be paid to a teacher under this paragraph unless he fulfils any requirements prescribed in relation to that allowance by virtue of paragraph 5 of this Schedule.

(3) In determining, for the purposes of the last preceding sub-paragraph, the period of a teacher's reckonable service, no account shall be taken—

- (a) of more than forty-five years of reckonable service, or
- (b) of more than forty years of reckonable service served before the teacher attained the age of sixty.

(4) In calculating the amount of any additional allowance payable to a teacher whose reckonable service includes service before 1st October 1956—

- (a) sub-paragraph (2)(b) of this paragraph shall have effect as if, in relation to so much of his period of reckonable service as ends before that date, for the words "three-eightieths" there were substituted the words "one-thirtieth" ;
- (b) any service to be disregarded by virtue of sub-paragraph (3)(a) of this paragraph shall be taken from the beginning of his period of reckonable service ; and
- (c) sub-paragraph (3)(b) of this paragraph shall be omitted, but the amount of the additional allowance, so far as attributable to service before the age of sixty, shall not exceed one and a half times his average salary.

(5) Where a teacher becomes entitled to allowances under this paragraph in a case falling within sub-paragraph (1)(b) thereof, then if the teacher—

(a) is under the age of sixty-five when he becomes so entitled, and

(b) has not then completed twenty years of reckonable service, those allowances shall be calculated as if the teacher had completed such period of reckonable service, not exceeding twenty years, as may be prescribed.

(6) For the purposes of sub-paragraph (4)(a) of this paragraph, any additional period of service which, under the last preceding sub-paragraph, a teacher is to be treated as having served shall be deemed to have been a continuous period ending immediately before the commencement of the teacher's actual service.

(7) The age prescribed for cases falling within sub-paragraph (1)(b) of this paragraph may be different from that prescribed for cases falling within sub-paragraph (1)(a) thereof.

2. Provision for determining, for the purposes of this Act, of any provision of the Teachers (Superannuation) Acts 1918 to 1956 which remains unrepealed after the appointed day and of superannuation regulations,—

(a) what service is to be considered as reckonable service, and

(b) what part of any sums paid to teachers in respect of their employment in such service is to be treated as emoluments.

3.—(1) Provision for the payment of gratuities to teachers to whom this paragraph applies who have ceased to be employed in reckonable service and, before attaining the age of seventy, have become, in the opinion of the Secretary of State, incapable through infirmity of mind or body of serving efficiently as teachers in reckonable service.

(2) This paragraph applies to teachers who are not entitled to the allowances referred to in paragraph 1 of this Schedule but who fulfil any requirements prescribed in relation to gratuities under this paragraph by virtue of paragraph 5 of this Schedule.

4. Provision for the payment of gratuities to the personal representatives of teachers who die while still employed in reckonable service but after fulfilling any requirements prescribed in relation to gratuities under this paragraph by virtue of paragraph 5 of this Schedule.

5. Provision prescribing the period of reckonable service which must be completed and any other requirements which must be fulfilled to entitle a teacher to any allowance or gratuity referred to in this Part of this Schedule.

6.—(1) Provision for the repayment to a teacher or his personal representatives, in such cases to which this paragraph applies and on such conditions as may be prescribed, of superannuation contributions paid by him, and for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained.

(2) This paragraph applies to cases where a teacher has ceased to be employed in reckonable service without any allowance or gratuity under superannuation regulations becoming payable to or in respect of him.

SCH. 1

PART II

PROVISIONS WHICH MAY BE INCLUDED IN SUPERANNUATION REGULATIONS

7.—(1) Provision whereby, subject to any modifications or exceptions which may be specified in the regulations, such provisions of the Teachers (Superannuation) Act 1925 and the Teachers (Superannuation) Act 1956 which remain unrepealed after the appointed day, and such provisions of superannuation regulations, as may be prescribed shall apply in relation to such teachers or other persons to whom this paragraph applies as may be prescribed.

1925 c. 59.
1956 c. 53.

(2) This paragraph applies—

(a) to persons who are not teachers but who are engaged in employment which involves the performance of duties in connection with the provision of education or of services ancillary to education, and

(b) to teachers who are not for the time being engaged in reckonable service but who are employed in the capacity of teachers or in some other capacity connected with education which to a substantial extent involves the control or supervision of teachers—

1944 c. 31.

(i) in independent schools, within the meaning of the Education Act 1944, or

(ii) in the employment of a government department, or

(iii) in an institution provided by a government department, or

1965 c. 74.

(iv) in the naval, military or air forces of the Crown or any of the women's services mentioned in Schedule 4 to the Superannuation Act 1965, or

(v) in the employment of such person or body of persons, or in such institution as may be prescribed for the purposes of this paragraph.

8. Provision enabling a teacher whose employment in reckonable service is discontinued for a period, not exceeding such maximum period as may be determined in accordance with the regulations to be appropriate in his case, to pay contributions in respect of that period of such amounts as may be so determined, and provision for treating any period during which such contributions are paid as a period of reckonable service for the purposes of such provisions of the enactments referred to in paragraph 7(1) of this Schedule and of superannuation regulations as may be prescribed.

9. Provision for securing that no contributions are payable in respect of a teacher for any period after he has completed forty-five years' service of a prescribed description, and for determining the period by reference to which the average salary of a teacher who has completed such a period of service is to be calculated.

10. Provision enabling a teacher who is for the time being in receipt of a smaller salary than that in respect of which he has previously paid contributions to elect to be treated, for the purposes of any obligation to pay contributions and any entitlement to superannuation benefits, as if he were in receipt of a larger salary than his salary for the time being.

11.—(1) Provision for securing that, notwithstanding anything in any enactment, where (apart from any provision made under this paragraph) any person would be liable to pay superannuation contributions and would also be subject to a superannuation scheme to which this paragraph applies, then, according to the provisions of the regulations applicable to him,—

- (a) he shall not be liable to pay any superannuation contributions or entitled to receive any benefit under superannuation regulations, or
- (b) he shall not be subject to that scheme, or
- (c) he shall be entitled to elect, in accordance with the regulations, whether he will be subject to the scheme or will be liable to pay superannuation contributions and entitled to receive benefits under superannuation regulations.

(2) Any reference in the preceding sub-paragraph to a superannuation scheme to which this paragraph applies is a reference—

- (a) to any superannuation scheme (including a scheme established by or under any enactment or under a provisional order confirmed by Parliament) other than the scheme established by the enactments referred to in paragraph 7(1) of this Schedule and by superannuation regulations, being a scheme which provides for the payment of contributions by any local authority or the persons responsible for the management of any educational establishment and for the payment, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age or death, and
- (b) to any system of superannuation (not being a system established by or under any enactment or under any provisional order confirmed by Parliament) operated jointly by a number of educational establishments for the purpose of providing any such benefits in respect of the service of persons employed by them.

12. Provision whereby, in their application to teachers who are not full-time teachers, the provisions of the enactments referred to in paragraph 7(1) of this Schedule and of superannuation regulations shall have effect subject to such modifications and exceptions as may be specified in the regulations.

13. Provision whereby, in such cases as may be prescribed, sums payable by teachers in respect of contributions shall be deducted from their salaries by their employers or, in the case of teachers whose remuneration is payable by persons other than their employers, by those persons, and in such cases as may be prescribed, provision for the collection of sums so deducted and of employers' contributions by deduction from grants payable out of moneys provided by Parliament.

14. Provision authorising the payment, without probate or other proof of title, of any sum due under the regulations in respect of a teacher or any other person who has died, to his personal representatives or such other persons as may be prescribed.

SCH. 1

15. Provision rendering void any assignment of or charge on, or any agreement to assign or charge, any allowance, gratuity, pension or other benefit payable under the regulations, and provision that, on the bankruptcy of a person entitled to such an allowance, gratuity, pension or other benefit, no part of the allowance, gratuity, pension or benefit shall pass to any trustee or other person acting on behalf of the creditors except in accordance with an order made by a court in pursuance of any enactment specified in the regulations.

16.—(1) Provision for reducing the amount of any allowance or gratuity payable under the regulations to or in respect of a teacher in such cases to which this paragraph applies as may be prescribed.

(2) This paragraph applies to any case where a period of reckonable service counts towards a superannuation benefit payable otherwise than under superannuation regulations as well as an allowance or gratuity payable under those regulations.

17. Provision for reducing or suspending allowances payable to or in respect of teachers who take up employment after retirement.

18. Provision for suspending or ending allowances payable to teachers who have ceased to be employed in reckonable service by reason of infirmity, if they recover from their infirmity.

19. Provision for withholding, or reducing the amount of, any allowance or gratuity payable under the regulations to or in respect of a teacher who has been dismissed or otherwise ceased to serve as a teacher in consequence of grave misconduct or has been guilty of such misconduct as may be determined in accordance with the regulations to have accelerated his death or retirement, and, in such cases as may be so determined, for granting any allowance or gratuity which has been so withheld or paying in full the amount of any allowance or gratuity which has been so reduced.

20. Provision for the reference of questions arising under the regulations to the Secretary of State and provision that his decision on any question so referred shall be final.

21. Provision extending, in any case specified in the regulations,—

(a) any reference in any enactment to recognised service or contributory service so as to include a reference to reckonable service ; and

(b) any reference in any enactment to benefits of any description, or to sums paid or payable, under the Teachers (Superannuation) Acts 1918 to 1956, or any of those Acts, so as to include a reference to benefits of a prescribed description, or, as the case may be, to sums paid or payable, under superannuation regulations.

Section 2.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

PART I

1925 c. 59.

AMENDMENTS OF TEACHERS (SUPERANNUATION) ACT 1925

1.—(1) In section 9(1), for the words " this Part of this Act ", in the first place where they occur, there shall be substituted the words " superannuation regulations within the meaning of the Teachers'

Superannuation Act 1965", for the words "this Part of this Act applies" there shall be substituted the words "those regulations for the time being apply", and for the word "contributory", there shall be substituted the word "reckonable".

(2) After section 9(1) there shall be inserted the following subsection—

"(1A) The provisions of the preceding subsection shall have effect subject to any provisions made by superannuation regulations by virtue of paragraph 9 or paragraph 10 of Schedule 1 to the Teachers' Superannuation Act 1965."

2.—(1) In section 10, in subsection (1), for the word "contributory" there shall be substituted the word "reckonable".

(2) In subsection (2) of that section, for the words "this Part of this Act" there shall be substituted the words "superannuation regulations within the meaning of the Teachers' Superannuation Act 1965", for the words "recognised or contributory" there shall be substituted the word "reckonable" and for the words "five years", in each place where they occur, there shall be substituted the words "three years".

(3) After section 10(2) there shall be inserted the following subsection—

"(2A) The preceding provisions of this section shall have effect subject to any provisions made by superannuation regulations by virtue of paragraph 9 or paragraph 10 of Schedule 1 to the Teachers' Superannuation Act 1965."

3. In section 15(1), after the words "this Act", in the last place where they occur, there shall be inserted the words "and under the Teachers' Superannuation Act 1965 and superannuation regulations made under that Act, other than regulations making any such provision as is referred to in section 3 thereof".

4. In Schedule 2, in paragraph 2(a), for the words "teachers' contributions" there shall be substituted the words "superannuation contributions, within the meaning of the Teachers' Superannuation Act 1965, paid by teachers which are".

PART II

AMENDMENTS OF TEACHERS (SUPERANNUATION) ACT 1956

1956 c. 53.

5. In section 3(2), for the words "Part II" there shall be substituted the words "section 9".

6.—(1) In section 4, in subsection (1), for the word "contributory", in the first place where it occurs, there shall be substituted the word "reckonable", for the words "or contributory" there shall be substituted the words "contributory or reckonable", and for the words from "Part II" to "applies" there shall be substituted the words "superannuation regulations under the Teachers' Superannuation Act 1965 from time to time apply".

(2) In subsection (2) of that section for the words "Part II of that Act applies" there shall be substituted the words "any such superannuation regulations apply".

Sections 2, 8.

SCHEDULE 3

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED FROM PASSING OF ACT

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 59.	The Teachers (Superannuation) Act 1925.	In Schedule 1, paragraph 11.
4 & 5 Eliz. 2. c. 53.	The Teachers (Superannuation) Act 1956.	Section 8.

PART II

ENACTMENTS REPEALED AS FROM APPOINTED DAY

Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 5. c. 55.	The School Teachers (Superannuation) Act 1918.	The whole Act.
12 & 13 Geo. 5. c. 42.	The School Teachers (Superannuation) Act 1922.	The whole Act.
15 & 16 Geo. 5. c. 59.	The Teachers (Superannuation) Act 1925.	Sections 1 to 8. Section 10(3). Sections 12 to 14. Sections 16 to 21. In section 23(4), the words from "and the School" to the end of the subsection. Schedule 1, except paragraph 11.
19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	In Schedule 10, paragraph 19.
25 & 26 Geo. 5. c. 35.	The Teachers (Superannuation) Act 1935.	The whole Act.
1 Edw. 8 & 1 Geo. 6. c. 47.	The Teachers (Superannuation) Act 1937.	The whole Act.
2 & 3 Geo. 6. c. 95.	The Teachers Superannuation (War Service) Act 1939.	The whole Act.
8 & 9 Geo. 6. c. 14.	The Teachers (Superannuation) Act 1945.	Sections 1 to 6. Sections 8 and 9. In section 11, subsections (1) to (5). Sections 12 and 13. Section 14(2). Schedule 1. Schedule 2, except in so far as it amends sections 9 and 10 of the Teachers (Superannuation) Act 1925.
9 & 10 Geo. 6. c. 60.	The Superannuation Act 1946.	In section 6, subsections (1) and (4). Section 10(2).

SCH. 3

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act 1948.	Sections 8 to 12. Part II of the Schedule.
4 & 5 Eliz. 2. c. 53.	The Teachers (Superannuation) Act 1956.	In section 2, subsections (3) and (4). Section 3(4). Sections 5 to 7. Sections 9 to 23. Section 25. In section 26(2), the definitions of "the principal Acts" and "teacher". In section 40, the words "the Teachers (Superannuation) Acts 1918 to 1946". Section 41(2). In Schedule 1, the entries relating to the School Teachers (Superannuation) Act 1918, the Teachers (Superannuation) Act 1925 and the Teachers (Superannuation) Act 1937. Schedule 2.
6 & 7 Eliz. 2. c. 14.	The Overseas Service Act 1958.	In section 3, subsections (4) and (5).
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	In Schedule 8, paragraphs 1 and 17.
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In Part I of Schedule 7, the entry relating to the Teachers (Superannuation) Act 1945.
10 & 11 Eliz. 2. c. 23.	The South Africa Act 1962.	In Schedule 3, in paragraph 10(1), the words "section eleven of the Superannuation (Miscellaneous Provisions) Act 1948 and", and in paragraph 10(2) the words "section thirteen of the Teachers (Superannuation) Act 1925, or" and the words "as the case may be".
1965 c. 32.	The Administration of Estates (Small Payments) Act 1965.	In Part I of Schedule 1, the reference to section 8 of the School Teachers (Superannuation) Act 1918 and the reference to paragraph 8 of Schedule 1 to the Teachers (Superannuation) Act 1925.
1965 c. 83.	The Teachers' Superannuation Act 1965.	Section 4.

1965 No. 1

A MEASURE passed by the National Assembly of the Church of England to authorise the use by way of experiment of alternative forms of Service deviating from the Book of Common Prayer and the use of forms of Service for use on special occasions; and to authorise minor variations in public prayer and for purposes connected therewith. [23rd March 1965]

1.—(1) In the case of any of the forms of Service prescribed by the Book of Common Prayer it shall be lawful to use in any Cathedral or Church, or other place where the form of Service may be used, in accordance with the provisions of this Measure, such form or forms of Service alternative to the form of Service so prescribed, and deviating (whether by way of addition, omission, substitution or otherwise) from the form of Service so prescribed, as may be approved by the Convocations of Canterbury and York for experimental use, every such form of Service being in their opinion neither contrary to, nor indicative of any departure from, the doctrine of the Church of England.

(2) An approval of a form of Service given under this section shall be required for each form of Service and shall not have effect for the purposes of this section unless the form of Service is approved by both Convocations in the same terms with a majority in each House of each Convocation of not less than two-thirds of those present and voting, and is agreed to by the House of Laity with a majority of not less than two-thirds of those present and voting.

(3) An alternative form of Service approved under this section may be used only during the period stated in the approval which period shall not exceed seven years from the date of the approval:

Provided that:—

- (a) if a majority of not less than two-thirds of those present and voting in each House of each Convocation and in the House of Laity so resolve the aforesaid period may from time to time be extended or renewed for further periods to be stated in the resolution not exceeding in the case of any one period seven years ;

*Prayer Book (Alternative and
Other Services) Measure 1965*

(b) no period for which a form of Service alternative to the form of Service prescribed by the Book of Common Prayer is approved under this section shall continue beyond the expiry of fourteen years from the date of the coming into effect of the first approval of a form of Service alternative to the form of Service so prescribed.

(4) An approval of a form of Service given under this section may be revoked or an approved form of Service may be varied or replaced by another form of Service alternative to the same form of Service prescribed by the Book of Common Prayer in the same manner, and subject to the same conditions, as applied to the original approval, but no such variation or replacement shall extend the period during which the form of Service may be used as prescribed by the foregoing provisions of this section.

Preliminary
trial of
draft forms
of Service.

2.—(1) For the purpose of giving a preliminary trial to a form of Service which is under consideration by the Convocations of Canterbury and York with a view to approval being given thereto under section one of this Measure, a draft of the said form of Service, approved by the Convocations of Canterbury and York, may, subject to the provisions of this Measure, be used for a period or periods of trial—

- (a) in any Cathedral with the approval of the Dean and Chapter or the Cathedral Chapter, as the case may be ; and
- (b) subject to the control and supervision of the Bishop of the Diocese in such Church or Churches or other place or places where the relevant form of Service prescribed by the Book of Common Prayer may be used as he may arrange with the approval in each case of the incumbent of the benefice.

(2) In the case of any of the forms of Service prescribed by the Book of Common Prayer, a draft approved under this section may be used either before or after the first approval under section one of this Measure of a form of Service alternative to the form of Service to which that draft relates, but shall not be used after the expiry of any of the following periods:—

- (i) two years from the date of the first use of that draft ;
- (ii) sixteen years from the date of the first use of the first draft approved under this section relating to that form of Service ;
- (iii) fourteen years from the date of the first approval under section one of this Measure of a form of Service alternative to the form of Service to which the draft relates.

(3) The Convocations of Canterbury and York may revoke the approval of any draft form of Service or may vary or replace an approved draft form of Service but not so as to extend the period or periods of trial authorised by the foregoing provisions of this section.

3. A form or draft of a form of Service approved under either section one or section two of this Measure may not be used in any Cathedral which is a parish church or in any Church in a parish without the agreement of the Parochial Church Council of the parish or in any Guild Church without the agreement of the Guild Church Council, or in the case of Services known as Occasional Offices if any of the persons concerned objects beforehand to its use. Consent of Parochial Church Council and others concerned.

4.—(1) It shall be lawful to use in any Cathedral or Church or elsewhere forms of Service approved by the Convocations of Canterbury and York for use within their respective provinces on occasions for which no provision is made in the Book of Common Prayer, being forms of Service which in both words and order are in their opinion reverent and seemly and neither contrary to, nor indicative of any departure from, the doctrine of the Church of England. Forms of Service approved by Convocations or Ordinary for use on occasions not provided for in Prayer Book.

(2) It shall be lawful to use in any Cathedral or Church or elsewhere forms of Service which, subject to any regulations made from time to time by the Convocation of the Province, may be approved by the Ordinary for use to meet circumstances for which no provision is made in the Book of Common Prayer or by the Convocations under sub-section (1) of this section, being forms of Service which in the opinion of the Ordinary in both words and order are reverent and seemly and are neither contrary to, nor indicative of any departure from, the doctrines of the Church of England.

5. Subject to the provisions of this Measure the Minister may in his discretion make and use variations which are not of substantial importance in any form of Service prescribed by the Book of Common Prayer or authorised for use under this Measure according to particular circumstances. Minor variations in the conduct of public prayer.

6. Subject to the provisions of this Measure and to any regulations made from time to time by the Convocation of the Province, the Minister may on occasions for which no provision is made in the Book of Common Prayer or under section four of this Measure use forms of Service considered suitable by him for those occasions. Forms of Service for use on occasions not otherwise provided for.

Provisions applicable to Services authorised by section 5 or 6 of this Measure.

7.—(1) All forms of Service and all variations in forms of Service used or made under the provisions of section five or six of this Measure shall be reverent and seemly and shall be neither contrary to, nor indicative of any departure from, the doctrine of the Church of England.

(2) If any question is raised concerning the observance of the provisions of the foregoing sub-section or whether a variation in a form of Service is of substantial importance or not it may be referred to the Bishop in order that he may give such pastoral guidance and advice as he may think fit, but such reference shall be without prejudice to the matter in question being made the subject matter of proceedings under the Ecclesiastical Jurisdiction Measure 1963.

1963 No. 1.

Use of Services authorised by this Measure deemed to be ordered by lawful authority.

8. The forms of Service which are authorised by this Measure or which are authorised or enjoined by the exercise of the powers or authorities set out in section ten of this Measure shall be the forms of Service which are ordered by lawful authority within the meaning of the Clerical Subscription Act 1865.

1865 c. 122.

Interpretation.

9. In the Measure, except in so far as the context otherwise requires,—

1662 c. 4.

“Book of Common Prayer” means the Book annexed to the Act of Uniformity 1662 and entitled “The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in Churches and the Form and Manner of Making Ordaining and Consecrating Bishops Priests and Deacons”;

“Cathedral” means a Cathedral or Collegiate Church in which the Book of Common Prayer is required by the Act of Uniformity 1662 to be used;

“Church” means any Parish Church, Chapel or other place of public worship which is not a Cathedral and in which the Book of Common Prayer is required by the Act of Uniformity 1662 to be used;

“Guild Church” means a church in the City of London designated and established as a Guild Church under the City of London (Guild Churches) Acts 1952 and 1960.

Savings.

10. Nothing in this Measure shall prejudice or limit—

(a) the use of any form of Service from time to time enjoined or authorised by any enactment or by Order in Council, Royal Warrant or Royal Proclamation; or

- (b) the powers of the Bishop and the Archbishop respectively to appease diversity and resolve doubts pursuant to the provision in the Book of Common Prayer entitled "Concerning the Service of the Church".

11.—(1) This Measure shall come into operation on such day as the Archbishops of Canterbury and York shall jointly determine, and their determination of that day shall be notified in the London Gazette. Commence-
ment and
extent.

(2) This Measure shall extend to the whole of the provinces of Canterbury and York except for the Channel Islands:

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957, or either of them, in accordance with those Measures.

12. This Measure may be cited as the Prayer Book (Alternative and Other Services) Measure 1965. Short title.

1965 No. 2

A MEASURE passed by the National Assembly of the Church of England to extend the duration of section 1 of the Benefices (Suspension of Presentation) Measure 1953. [2nd June 1965]

Extension of s. 1 of
Benefices (Suspension
of Presentation)
Measure 1953.
1953 No. 5.

1. Section 9(2) of the Benefices (Suspension of Presentation) Measure 1953 (which provides that the powers conferred by section 1 of the said Measure shall cease on the 31st December, 1965) shall have effect with the substitution for that date of the 31st December 1970.

Short title.

2. This Measure may be cited as the Benefices (Suspension of Presentation) (Continuance) Measure 1965.

1965 No. 3

A MEASURE passed by the National Assembly of the Church of England to authorise the approval of days of Special Observance; to enable a Bishop to authorise a Minister to dispense with the reading of Morning and Evening Prayer on certain days; to amend the rubrics at the beginning and end of the Communion Service in the Book of Common Prayer; and to extend the right to use the Book of Common Prayer in Latin to all universities and certain other places of learning. [5th August 1965]

1.—(1) It shall be lawful for the Convocation of a Province to approve days of Special Observance in the Province. Days of Special Observance.

(2) Subject to any directions of the Convocation of the Province it shall be lawful for the Ordinary to approve days of Special Observance in the Diocese or other the place of which he is the Ordinary.

(3) Any days of Special Observance approved in accordance with the provisions of this section shall be additional to the Feasts, Vigils, Fasts and Days of Abstinence set forth in the Book of Common Prayer.

2.—(1) Notwithstanding the provisions of section one of the Act of Uniformity 1662 and of the directions contained in the Book of Common Prayer, it shall be lawful for the Bishop of a Diocese, if satisfied that there is good reason so to do, to authorise the Minister of any Church within his Diocese to dispense with the reading within that Church of Morning and Evening Prayer or either of them on any Sunday, or upon Ash Wednesday or Good Friday, or other appointed Holy Day: Dispensation from holding Services in churches. 1662 c. 4.

Provided that before authorising the Minister of a Church to dispense with the reading within that Church of either Morning or Evening Prayer on Sundays for a period of more than three months the Bishop shall consult with the Parochial Church Council of that parish.

(2) In any case where the Bishop is required by the provisions of this section to consult with a Parochial Church Council such consultation shall be deemed to have duly taken place if the Bishop shall have consulted with two members of the Council nominated by the Council for the purpose.

Amendments
of
Communion
rubrics.

3.—(1) There shall be substituted for the second and third paragraphs of the Introductory Rubric to the Order for the Administration of the Lord's Supper or Holy Communion set forth in the Book of Common Prayer the following paragraph:—

“ If a Minister be persuaded that any person who presents himself to be a partaker of the Holy Communion ought not to be admitted thereunto by reason of malicious and open contention with his neighbours, or other grave and open sin without repentance, he shall give an account of the same to the Ordinary of the place, and therein obey his order and direction, but so as not to refuse the Sacrament to any person until in accordance with such order and direction he shall have called him and advertised him that in any wise he presume not to come to the Lord's Table; Provided that in case of grave and immediate scandal to the Congregation the Minister shall not admit such person, but shall give an account of the same to the Ordinary within seven days after at the latest and therein obey the order and direction given to him by the Ordinary; Provided also that before issuing his order and direction in relation to any such person the Ordinary shall afford to him an opportunity for interview.”

(2) In the rubric set out in the foregoing subsection the expression “ the Ordinary of the place ” or “ the Ordinary ”, includes in the case of the Ordinary being the Bishop of the Diocese and the see being vacant the Archbishop of the province or in the case of the Archbishopric being vacant or the vacant see being Canterbury or York the Archbishop of the other province.

(3) In the administration of the Lord's Supper or the Holy Communion it shall be lawful to use leavened or unleavened Bread, and the fifth paragraph of the Rubric set forth in the Book of Common Prayer at the end of the Order for the Administration of the Lord's Supper or Holy Communion shall be construed accordingly.

Use of
Prayer Book
in Latin in
Universities
and other
places of
learning.
1662 c. 4.

4. The right of using in Latin the Morning and Evening Prayers and other Prayers and Services prescribed in and by the Book of Common Prayer conferred by section fourteen of the Act of Uniformity 1662 upon the Universities of Oxford and Cambridge, and the Colleges of Westminster, Winchester and Eton, and on the Convocations of the Clergies of either Province, shall also be enjoyed by all other Universities and by such other places of religious and sound learning as custom doth allow or the Ordinary may permit, and the said section fourteen shall be amended accordingly by substituting for the words “ both the Universities ”, the words “ all Universities ”, and by inserting after the words “ and Eaton ”, the words “ and such other places of religious and sound learning as custom doth allow or the Ordinary may permit ”.

5. This Measure shall extend to the whole of the Provinces of Extent. Canterbury and York except the Channel Islands;

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them, in accordance with those Measures.

6. This Measure may be cited as the Prayer Book (Miscellaneous Short title. Provisions) Measure 1965.

1965 No. 4

A MEASURE passed by the National Assembly of the Church of England to permit the use of any version of the Bible authorised by the Convocations with the concurrence of the House of Laity for portions of Scripture appointed to be read, said or sung in the Book of Common Prayer, and for purposes connected therewith.
[22nd December 1965]

Permissive
use of other
versions of
Bible in Book
of Common
Prayer.

1.—(1) Wherever in the Book of Common Prayer a portion of Scripture is set out and appointed to be read, said or sung, the corresponding portion contained in any version of the Bible or part of the Bible for the time being authorised for the purpose by the Convocations of Canterbury and York with the concurrence of the House of Laity may be used at the discretion of the minister in place of that set out in the Book of Common Prayer:

Provided that a version of the Bible or part of the Bible so authorised shall not be used in any cathedral which is a parish church or in any church in a parish without the agreement of the parochial church council of the parish or in any guild church without the agreement of the guild church council or, in the case of services known as Occasional Offices, if any of the persons concerned objects beforehand to its use.

(2) An authorisation under this section may be for a limited period or subject to such other limitations as the Convocations of Canterbury and York may with the concurrence of the House of Laity determine, and may at any time be amended or revoked by the said Convocations with such concurrence.

(3) The Revised Psalter approved with a view to legislation for permissive use by the Convocations of Canterbury and York in October 1963 shall be deemed to have been authorised under subsection (1) of this section, and accordingly may be used under that subsection as from the passing of this Measure.

1662 c. 4. (4) In this section "the Book of Common Prayer" means the book annexed to the Act of Uniformity 1662 and entitled "The Book of Common Prayer and Administration of the Sacraments and other Rites and Ceremonies of the Church according to the use of the Church of England together with the Psalter or Psalms of David pointed as they are to be sung or said in Churches and the Form and Manner of Making, Ordaining and Consecrating

of Bishops, Priests and Deacons” as altered by any enactment passed before the passing of this Measure.

2.—(1) This Measure may be cited as the Prayer Book (Ver- Short title
sions of the Bible) Measure 1965. and extent.

(2) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands:

Provided that this Measure may be applied to the Channel Islands, as defined in the Channel Islands (Church Legislation) Measures 1931 and 1957 or either of them in accordance with those Measures.

TABLE V

Effect of Legislation

Acts and Measures (in chronological order)
repealed, amended or otherwise affected
by those Acts, Measures and Statutory Instruments
which received the Royal Assent or were made during 1965.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
33 Hen. 8: c. 12	Offences within the Court Act 1541.	S. 2 am. (<i>temp.</i>)	71, ss. 3(2), 4, sch.
1 Edw. 6: c. 1	Sacrament Act 1547	S. 3 rep.	69, s. 10(3), sch. 2 Pt. II.
31 Eliz. 1: c. 11	Forcible Entry Act 1588	Rep. in pt.	2, s. 34(1), sch. 2.
21 Jas. 1: c. 3	Statute of Monopolies [1621].	Ss. 4 rep. in pt., 8 rep.	2, s. 34(1), sch. 2.
14 Chas. 2: c. 4	Act of Uniformity 1662...	S. 1 mod. S. 14 am.	C.A.M. No. 3, s. 2(1). C.A.M. No. 3, s. 4.
16 & 17 Chas. 2: c. 5	Execution Act 1664	Rep.	2, s. 34(1), sch. 2.
2 Will. & Mary: c. 5	Distress for Rent Act 1689.	Ss. 3 rep. in pt., 4 rep. in pt.	2, s. 34(1), sch. 2.
8 & 9 Will. 3: c. 20	Bank of England Act 1696.	S. 46 rep.	2, s. 34(1), sch. 2.
4 & 5 Anne: c. 3	Administration of Justice Act 1705.	Rep.	2, s. 34(1), sch. 2.
13 Anne: c. 13	Presentation of Benefices Act 1713.	S. 4 proviso rep.	2, s. 34(1), sch. 2.
24 Geo. 2: c. 40	Sale of Spirits Act 1750	Rep.	2, s. 34(1), sch. 2.
25 Geo. 2: c. 36	Disorderly Houses Act 1751.	Ss. 5-7 rep.	2, s. 34(1), sch. 2.
c. 37	Murder Act 1751	S. 9 am. (<i>temp.</i>)	71, ss. 3(2), 4, sch.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
10 Geo. 3: c. 50	Parliamentary Privilege Act 1770.	S. 5 rep.	2, s. 34(1), sch. 2.
15 Geo. 3: c. 22	An Act for vesting part of the garden of the society of Lincoln's Inn, in the county of Middlesex, in the accountant general of the court of chancery, and his successors, for ever, for the purpose of erecting thereon offices for the accountant general, and for the register of the said court.	Rep.	2, s. 34(1), sch. 2.
c. 56	An act for applying the funds provided for rebuilding the offices of the six clerks of the King's court of chancery, by an act, made in the fourteenth year of the reign of his present Majesty, intituled, An act for rebuilding the office of the six clerks of the King's court of chancery, and for erecting offices for the register and accountant-general of the said court, for the better preserving the records, decrees, orders, and books of account kept in such offices; in building offices for the said six clerks in the garden of Lincoln's Inn, instead of rebuilding the present six clerks office in Chancery Lane; and for other purposes.	Rep.	2, s. 34(1), sch. 2.
19 Geo. 3: c. 70	Inferior Courts Act 1779	Rep.	2, s. 34(1), sch. 2.
38 Geo. 3: c. 52	Counties of Cities Act 1798.	Ss. 3 and 5 rep. in pt. ...	69, s. 10(3), sch. 2 Pt. II.
41 Geo. 3 (U.K.): c. 63	House of Commons (Clergy Disqualification) Act 1801.	S. 2 rep. in pt.	2, s. 34(1), sch. 2.
c. 79 c. 90	Public Notaries Act 1801 Crown Debts Act 1801 ...	S. 16 rep. in pt. S. 6 am.	2, s. 34(1), sch. 2. 2, ss. 17(1), 18, sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
43 Geo. 3: c. 92	Writ of Subpoena Act 1805.	Ss. 3, 4 expld.	69, s. 10(3), sch. 2.
46 Geo. 3: c. 153	Public Harbours Act 1806	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
52 Geo. 3: c. 11	House of Commons (Offices) Act 1812.	S. 2 rep. in pt.	2, s. 34(1), sch. 2.
54 Geo. 3: c. 159	Harbours Act 1814 ...	S. 16. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
55 Geo. 3: c. 42	Jury Trials (Scotland) Act 1815.	S. 6 am.	S.I. No. 1169.
c. 147	Glebe Exchange Act 1815	S. 12 am.	2, ss. 17(1), 18, sch. 1.
57 Geo. 3: c. 19	Seditious Meetings Act 1817.	S. 30 rep. in pt.	2, s. 34(1), sch. 2.
58 Geo. 3: c. 30	Costs Act 1818	Rep.	2, s. 34(1), sch. 2.
c. 70	Disorderly Houses Act 1818.	Rep.	2, s. 34(1), sch. 2.
4 Geo. 4: c. 48	Judgment of Death Act 1823.	S. 1 am. (E) (temp.)	71, ss. 3(2), 4, sch.
5 Geo. 4: c. 83	Vagrancy Act 1824 ...	S. 4 am. (S.)	44, s. 1, sch. 1 paras. 2, 3.
		S. 9 rep. (saving)	69, s. 10(2)(3), sch. 2 Pt. II.
7 Geo. 4: c. 16	Chelsea and Kilmainham Hospitals Act 1826.	Ss. 44, 46, 47, 49-51 am.	2, ss. 17(1), 18, sch. 1.
c. 64	Criminal Law Act 1826	S. 31 rep. in pt.	69, s. 10(3), sch. 2 Pt. II.
c. 66	Clergy Residence Act 1826.	S. 3 am.	2, ss. 17(1), 18, sch. 1.
7 & 8 Geo. 4: c. 71	Imprisonment for Debt Act 1827.	Rep.	2, s. 34(1), sch. 2.
9 Geo. 4: c. 66	Nautical Almanack Act 1828.	S. 2 rep. in pt.	2, s. 34(1), sch. 2.
10 Geo. 4: c. 13	Court Funds Act 1829 ...	Am.	2, ss. 17(1), 18, sch. 1.
		Rep. in pt.	2, s. 17(1), sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
10 Geo. 4. c. 56 ... <i>cont.</i> ...	Friendly Societies Act 1829.	Am.	32, s. 1(1), sch. 1 Pt. I.
11 Geo. 4 & 1 Will. 4: c. 36	Contempt of Court Act 1830.	S. 15 rep. S. 18 rep. S. 21 rep.	S.I. No. 1776, r. 1, sch. 2. 2, s. 34(1), sch. 2. S.I. No. 1776, r. 1, sch. 2.
c. 41	Army Pensions Act 1830	S. 5 am. S. 5. Power to am. ...	32, s. 1(1), sch. 1 Pt. I. 32, s. 6.
1 & 2 Will. 4: c. 22	London Hackney Carriage Act 1831.	S. 35 expld.	16, s. 12(6).
c. 32	Game Act 1831 ...	S. 18 mod.	S.I. No. 602.
2 & 3 Will. 4: c. 58	Contempt of Court Act 1832.	Rep.	S.I. No. 1776, r. 1, sch. 2.
c. 71	Prescription Act 1832 ...	Ext. (E.) (<i>prosp.</i>) S. 1 ext. (E.) (<i>prosp.</i>) S. 4 expld. (E.) (<i>prosp.</i>)	64, s. 16 (1). 64, s. 16(1). 64, s. 16(2).
c. 105	House of Commons (Speaker) Act 1832.	S. 1 am.	11, ss. 3, 20(1), sch. 4.
c. 111	Lord Chancellor's Pension Act 1832.	Pensions increase S. 3 am.	78, s. 1, sch. 1 Pt. I para. 26. 61, ss. 2(2), 5(2), sch. 2.
3 & 4 Will. 4: c. 42	Civil Procedure Act 1833	Rep.	2, s. 34(1), sch. 2.
4 & 5 Will. 4: c. 24	Superannuation Act 1834	Rep.	74, s. 104(2), sch. 11.
c. 70	House of Commons Officers Act 1834.	S. 1 rep.	11, s. 20(3), sch. 5
7 Will. 4 & 1 Vict.: c. 41	Small Debt (Scotland) Act 1837.	Appl.	75, s. 45.
1 & 2 Vict.: c. 74	Small Tenements Recovery Act 1838.	Rep. (saving) (<i>prosp.</i>)	75, ss. 35(5), 52(1), sch. 7 Pt. II.
c. 106	Pluralities Act 1838 ...	Ext. S. 6 rep. in pt. S. 59 saved	59, s. 22(4) 2, s. 34(1), sch. 2 75, s. 35(4)
c. 110	Judgments Act 1838 ...	Ss. 14, 15 rep. S. 22 rep.	S.I. No. 1776, r. 1, sch. 2 2, s. 34(1), sch. 2

Effect of Legislation

v

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
3 & 4 Vict.: c. 50	Canals (Offences) Act 1840.	S. 19 rep. (saving) ...	69, s. 10(2)(3), sch. 2 Pt. II
c. 65	Admiralty Court Act 1840	Ss. 7, 8 rep.	S.I. No. 1776, r. 1, sch. 2
c. 82	Judgments Act 1840 ...	Rep.	S.I. No. 1776, r. 1, sch. 2
c. 110	Loan Societies Act 1840	S. 11 am. rep. in pt. S. 11. Power to am. ...	32, ss. 1(1), 3, schs. 1 Pt. I, 3 32, ss. 3, 7(6), schs. 3, 4 32, s. 6
4 & 5 Vict.: c. 30	Ordnance Survey Act 1841.	Transfer of functions of Min. of Agriculture, Fisheries and Food to Min. of Land and Natural Resources.	S.I. No. 1120.
c. 38	School Sites Act 1841 ...	S. 18 rep. (E.) (<i>prosp.</i>) ...	75, s. 52(1), sch. 7 Pt. II.
5 Vict.: c. 5	Court of Chancery Act 1841.	S. 4 rep.	S.I. No. 1776, r. 1, sch. 2.
5 & 6 Vict.: c. 26	Ecclesiastical Houses of Residence Act 1842.	S. 12 am. rep. in pt.	2, ss. 17(1), 18, sch. 1. 2, s. 17(1), sch. 1.
c. 32	Fines and Recoveries Act 1842.	Rep.	2, s. 34(1), sch. 2.
c. 38	Quarter Sessions Act 1842.	S. 3 expld. rep. in pt.	69, s. 10(3), sch. 2 Pt. I. 69, s. 10(3), sch. 2 Pt. II.
c. 86	Exchequer Court Act 1842.	Rep.	2, s. 34(1), sch. 2.
c. 94	Defence Act 1842 ...	S. 19 saved (E.) (S.) ... S. 26 am. (E. and N.I.) ... S. 30 am. (E.)	75, s. 35(4). 2, ss. 17(1), 18, sch. 1. 2, ss. 17(1), 18, sch. 1.
6 & 7 Vict.: c. 86	London Hackney Carriages Act 1843.	S. 47 rep. in pt. ...	2, s. 34(1), sch. 2.
7 & 8 Vict.: c. 2	Admiralty Offences Act 1844.	S. 3 rep. in pt.	69, s. 10(3), sch. 2 Pt. II.
c. 22	Gold and Silver Wares Act 1844.	S. 13 rep. in pt. ...	2, s. 34(1), sch. 2.
c. 59	Lecturers and Parish Clerks Act 1844.	S. 6 saved (E.) (S.) ...	75, s. 35(4)
8 & 9 Vict.: c. 18	Lands Clauses Consolidation Act 1845.	Incorp. (mod.) Ss. 7 and 8 rep. in pt. ...	16, s. 17(2). 56, s. 39(4), sch. 8 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
8 & 9 Vict.: c. 18— <i>cont.</i>	Lands Clauses Consolidation Act 1845— <i>cont.</i>	<p>S. 11 rep. in pt. (E.) ...</p> <p>Ss. 21 rep. in pt., 22 rep. exc. so far as appl. by s. 30 of the Railways Clauses Consolidation Act 1845 (c. 20).</p> <p>Ss. 23–57 rep., 58 and 59 rep. in pt.</p> <p>S. 63 ext. (E.)</p> <p>S. 66 rep. in pt. (E.) ...</p> <p>S. 68 ext. (E.)</p> <p> appl.</p> <p> rep. in pt.</p> <p>S. 69 am. (E.)</p> <p> rep. in pt.</p> <p>S. 70 am.</p> <p> am. (E.)</p> <p> rep. in pt.</p> <p>S. 71 am. (E.)</p> <p> rep. in pt.</p> <p>S. 72 rep. in pt.</p> <p>S. 73 am. (E.)</p> <p>S. 74 am.</p> <p> am. (E.)</p> <p> rep. in pt.</p> <p>S. 75 am.</p> <p>S. 76 am. (E.)</p> <p> rep. in pt.</p> <p>S. 77 am.</p> <p> rep. in pt.</p> <p>S. 78 am. (E.)</p> <p> rep. in pt. (E.)</p> <p>S. 79 am.</p> <p>S. 80 am.</p> <p> rep. in pt.</p> <p>S. 81 rep. in pt.</p> <p>S. 83 rep. in pt. (E.) ...</p> <p>Ss. 84, 85 am. (E.) ...</p>	<p>2, s. 34(1), sch. 2.</p> <p>56, s. 39(4), sch. 8 Pt. III.</p> <p>56, s. 39(4), sch. 8 Pt. III.</p> <p>36, s. 13(5), sch. 4 paras. 5(4), 6.</p> <p>2, s. 34(1), sch. 2.</p> <p>36, s. 13(5), sch. 4 paras. 5(4), 6.</p> <p>56, s. 10(2).</p> <p>56, s. 39(4), sch. 8 Pt. III.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>2, s. 34, sch. 2.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>2, s. 34, sch. 2.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>2, s. 17(1), sch. 1.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>56, s. 39(4), sch. 8 Pt. III.</p> <p>2, s. 17(1), sch. 1.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>2, s. 34, sch. 2.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>2, ss. 17(1), 18, sch. 1.</p> <p>2, s. 17(1), sch. 1.</p> <p>56, s. 39(4), sch. 8 Pt. II.</p> <p>2, s. 34, sch. 2.</p> <p>2, ss. 17(1), 18, sch. 1.</p>

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
8 & 9 Vict.: c. 18— <i>cont.</i>	Lands Clauses Consolida- tion Act 1845— <i>cont.</i>	Ss. 86–88 subst. (E.) by s. 86. S. 87 rep. in pt. ... S. 88 rep. ... S. 89 rep. in pt. (E.) ... Ss. 95–98 rep. (and the enacting words prefac- ing those sections). Ss. 99, 100 am. (E.) ... S. 106 rep. in pt. ... S. 107 rep. in pt. (E.) ... am. (E.) ... Ss. 109, 111, 113 am. (E.) The enacting words pre- facing ss. 115–118 rep. in pt. Ss. 116 and 117 rep. in pt. S. 117 am. (E.) ... S. 121 rep. in pt. ... S. 126 rep. (E.) ... Ss. 127–132 appl. (mod.) S. 135 rep. in pt. (E.) ... Ss. 139, 143 rep. ... S. 145 rep. ... S. 147 rep. ...	2, ss. 17(1), 18, sch. 1. 56, s. 39(4), sch. 8 Pt. II. 56, s. 39(4), sch. 8 Pt. II. 2, s. 34, sch. 2. 56, s. 39(4), sch. 8 Pt. II. 2, ss. 17(1), 18, sch. 1. 56, s. 39(4), sch. 8 Pt. III. 2, s. 34, sch. 2. 2, ss. 17(1), 18, sch. 1. 2, ss. 17(1), 18, sch. 1. 56, s. 39(4), sch. 8 Pt. II. 56, s. 39(4), sch. 8 Pt. II. 2, ss. 17(1), 18, sch. 1. 56, s. 39(4), sch. 8 Pt. III. 2, s. 34, sch. 2. 56, s. 37(3). 2, s. 34, sch. 2. 56, s. 39(4), sch. 8 Pt. II. 56, s. 39(4), sch. 8 Pt. III. 56, s. 39(4), sch. 8 Pt. II.
c. 19 ...	Lands Clauses Consolida- tion (Scotland) Act 1845.	Incorp. (mod.) ... S. 61 ext. ...	16, s. 17(2)(7)(b). 36, s. 13(5), sch. 4 paras. 5(4), 9.
c. 20 ...	Railways Clauses Con- solidation Act 1845.	S. 89 saved ... S. 6, as incorp., mod. ... ext. ... S. 17. Functions transfd. to Bd. of Trade. S. 17 rep. in pt. and superseded. Ss. 77–85. Power to incorp. (mod.). S. 78 as originally enacted and incorp. am.	75, s. 35(4). 56, s. 39(3), sch. 7. 36, s. 13(5), sch. 4 paras. 5(4), 9. S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 145, art. 3(5), sch. 2. 59, s. 12(3). 56, s. 39(3), sch. 7.
c. 33 ...	Railways Clauses Con- solidation (Scotland) Act 1845.	S. 17. Functions transfd. to Bd. of Trade. S. 17 rep. in pt. and superseded.	S.I. No. 145 arts. 2, 3, sch. 1 S.I. No. 145, art. 3(5), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
8 & 9 Vict.— <i>cont.</i>			
c. 63	Geological Survey Act 1845.	Ss. 1, 2 am. Ss. 3, 4 rep. S. 6 am. rep. in pt.	4, s. 3(5), sch. 2. 4, ss. 3(5), 6(3), schs. 2, 4. 4, s. 3(5), sch. 2. 4, ss. 3(5), 6(3), schs. 2, 4.
c. 118	Inclosure Act 1845 ...	Functions transfd. to Min. of Land and Natural Resources. S. 111 am. S. 138 am. S. 139 rep. S. 140 am.	S.I. No. 143, arts. 2, 3(1), sch. 75, s. 51, sch. 6 para. 1. 2, ss. 17(1), 18, sch. 1. 2, s. 17(1), sch. 1. 2, ss. 17(1), 18, sch. 1.
c. 127	Small Debts Act 1845 ...	S. 22 rep.	2, s. 34(1), sch. 2.
9 & 10 Vict.:			
c. 39	Battersea Bridge and Em- bankment, &c. Act 1846.	Rep. exc. ss. 3, 4, 86, 90 and 107. Ss. 3, 4 rep. (saving), 86 rep. in pt. S. 90 subst.	S.I. No. 540, art. 5, sch. 3. S.I. No. 540, art. 3, sch. 1 para. 2(b).
c. 70	Inclosure Act 1846 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 73	Tithe Act 1846	S. 9 am.	2, ss. 17(1), 18, sch. 1.
c. 93	Fatal Accidents Act 1846	S. 1 ext. (E.)	36, s. 14(2).
10 & 11 Vict.:			
c. 27	Harbours, Docks and Piers Clauses Act 1847.	S. 6 rep. in pt. S. 12. Functions transfd. to Bd. of Trade. S. 12 rep. and super- seded in pt. S. 13. Functions transfd. to Bd. of Trade.	56, s. 39(4), sch. 8 Pt. III. S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 145, art. 3(5), sch. 2. S.I. No. 145, arts. 2, 3, sch. 1.
c. 111	Inclosure Act 1847 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
11 & 12 Vict.:			
c. 42	Indictable Offences Act 1848.	Ss. 12, 14, 15 rep. (Re- public of Ireland).	45, ss. 9(1)(2), 13(3).
c. 99	Inclosure Act 1848 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
12 & 13 Vict.:			
c. 45	Quarter Sessions Act 1849.	S. 11 rep.	2, s. 34(1), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
12 & 13 Vict.— <i>cont.</i>			
c. 83	Inclosure Act 1849 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 109	Petty Bag Act 1849 ...	Ss. 30, 31, 45 rep. ...	2, s. 34(1), sch. 2.
13 & 14 Vict.:			
c. 57	Vestries Act 1850 ...	Rep.	S.I. No. 654, art. 3, sch. 1.
14 & 15 Vict.:			
c. 53	Inclosure Commissioners Act 1851.	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 55	Criminal Justice Administration Act 1851.	S. 19 rep. in pt. ...	69, s. 10(3), sch. 2 Pt. II.
c. 90	Fines Act (Ireland) 1851	Rep. (Republic of Ireland).	45, ss. 9(1)(2), 13(3).
c. 93	Petty Sessions (Ireland) Act 1851.	Ss. 27, 29 rep. (Republic of Ireland) and expld. (<i>retrosp.</i>).	45, s. 9.
c. 100	Criminal Procedure Act 1851.	am. and expld. (N.I.) S. 27 rep. in pt. (E.) ...	45, s. 9(3). 69, s. 10(3), sch. 2 Pt. II.
15 & 16 Vict.:			
c. 71	Thames Embankment Act 1852.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 76	Common Law Procedure Act 1852.	Ss. 127, 213, 217, 219, 220 rep.	2, s. 34(1), sch. 2.
c. 79	Inclosure Act 1852 ...	Saved Functions transfd. to Min. of Land and Natural Resources.	56, s. 21(2). S.I. No. 143, arts. 2, 3(1), sch.
		S. 13 am. (<i>prosp.</i>) ...	75, s. 51, sch. 6 para. 2.
		Sch. rep. (<i>prosp.</i>) ...	75, s. 52(1), sch. 7 Pt. II.
c. 85	Burial Act 1852... ..	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
16 & 17 Vict.:			
c. 46	Westminster Bridge Act 1853.	Rep. exc. ss. 9, 10, 13-15, 22 in pt., 27. Am. (G.L.C. subst. for Commissioners of H.M. Works).	S.I. No. 540, art. 5, sch. 3. S.I. No. 540, art. 3, sch. 1.
		Ss. 9, 10, 13-15, 22, 27 am.	S.I. No. 540, art. 4, sch. 2.
c. 87	Thames Embankment Act 1853.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 129	Pilotage Law Amendment Act 1853.	Ss. 12, 13. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 131	Merchant Shipping Law Amendment Act 1853.	S. 13. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 134	Burial Act 1853 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.

Effect of Legislation

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
17 & 18 Vict.: c. 80	Registration of Births, Deaths and Marriages (Scotland) Act 1854.	Rep.	49, s. 58(2), sch. 2.
c. 94	Public Revenue and Consolidated Fund Charges Act 1854.	Sch. (A) rep. in pt. ...	61, s. 5(3), sch. 3.
c. 97	Inclosure Act 1854 ...	Saved Functions transfd. to Min. of Land and Natural Resources.	56, s. 21(2). S.I. No. 143, art. 2, 3(1), sch.
18 & 19 Vict.: c. 29	Registration of Births, Deaths and Marriages (Scotland) Act 1855.	Rep.	49, s. 58(2), sch. 2.
c. 120	Metropolis Management Act 1855.	Rep. exc. ss. 239 and 240 S. 240 am.	S.I. No. 540, art. 5, sch. 3. S.I. No. 540, art. 3, sch. 1.
c. 128	Burial Act 1855 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
19 & 20 Vict.: c. 112	Metropolis Management Amendment Act 1956.	Rep.	S.I. No. 540, art. 5, sch. 3.
20 & 21 Vict.: c. 31	Inclosure Act 1857 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, art. 2, 3(1), sch.
c. 43	Summary Jurisdiction Act 1857.	S. 8 rep.	S.I. No. 1776, r. 1, sch. 2. 2, s. 34(1), sch. 2.
c. 60	Irish Bankrupt and Insolvent Act 1857.	S. 11 rep. Ss. 68, 341, 342, sch. (B) rep.	2, s. 34(1), sch. 2. 2, s. 34(1), sch. 2.
c. 77	Court of Probate Act 1857.	S. 31 rep.	S.I. No. 1776, r. 1, sch. 2.
c. 79	Probates and Letters of Administration Act (Ireland) 1857.	Ss. 116, 117 rep. S. 32 rep. in pt. S. 116 rep.	2, s. 34(1), sch. 2. 2, s. 34(1), sch. 2. 2, s. 33.
c. 81	Burial Act 1857 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 85	Matrimonial Causes Act 1857.	S. 25 restr. Rep.	59, s. 20(6). 2, s. 34(1), sch. 2.
21 & 22 Vict.: c. 66	Chelsea Bridge Act 1858	Rep.	S.I. No. 540, art. 5, sch. 3.
22 Vict.: c. 1	Burial Act 1859 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 12	Defence Act 1859 ...	S. 5 rep. in pt. (<i>prosp.</i>) ...	75, s. 52(1), sch. 7 Pt. II.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
22 Vict. — <i>cont.</i>			
c. 25	Convict Prisons Abroad Act 1859.	Rep.	2, s. 34(1), sch. 2.
c. 26	Superannuation Act 1859	Rep.	74, s. 104(2), sch. 11.
22 & 23 Vict.:			
c. 21	Queen's Remembrancer Act 1859.	S. 8 am.	2, ss. 17(1), 18, sch. 1.
c. 43	Inclosure Act 1859 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 58	Westminster Bridge Act 1859.	Rep.	S.I. No. 540, art. 5, sch. 3.
23 & 24 Vict.:			
c. 64	Burial Act 1860 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 85	Registration of Births, Deaths and Marriages (Scotland) Act 1860.	Rep.	49, s. 58(2), sch. 2.
c. 93	Tithe Act 1860	S. 37 am.	2, ss. 17(1), 18, sch. 1.
c. 106	Lands Clauses Consolidation Acts Amendment Act 1860.	S. 2 expld.	2, s. 17(2).
c. 112	Defence Act 1860 ...	Ss. 21-23 am.	2, ss. 17(1), 18, sch. 1.
c. 127	Solicitors Act 1860 ...	Rep.	2, s. 34(1), sch. 2.
24 & 25 Vict.:			
c. 10	Admiralty Court Act 1861	S. 16 rep.	2, s. 34(1), sch. 2.
c. 94	Accessories and Abettors Act 1861.	S. 8 saved (E.)	36, s. 21(4).
c. 100	Offences against the Person Act 1861.	Ss. 1, 71 am. (E.) (<i>temp.</i>)	71, ss. 3(2), 4, sch.
25 & 26 Vict.:			
c. 19	General Pier and Harbour Act, 1861, Amendment Act [1862].	Ss. 7-11. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 38	Sale of Spirits Act 1862	Rep.	2, s. 34(1), sch. 2.
c. 102	Metropolis Management Amendment Act 1862.	Rep.	S.I. No. 540, art. 5, sch. 3.
26 & 27 Vict.:			
c. 13	Town Gardens Protection Act 1863.	Ss. 1, 2 rep. in pt. ...	S.I. No. 654, art. 3(1).
		S. 6 rep. in pt.	S.I. No. 654, art. 3(24), sch. 1.
c. 45	Metropolis Improvement Act 1863.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 71	Harwich Harbour Act 1863.	Ss. 12, 17. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
26 & 27 Vict.— c. 75 <i>cont.</i>	Thames Embankment Act 1863.	Rep. exc. ss. 2, 4, 9, 33, 35, 38. Ss. 2, 4, am. S. 9 am. rep. in pt. S. 33 am. rep. in pt. S. 35 am.	S.I. No. 540, art. 5, sch. 3. S.I. No. 540, art. 4, sch. 2. S.I. No. 540, art. 4, sch. 2. S.I. No. 540, art. 5, sch. 3. S.I. No. 540, art. 4, sch. 2. S.I. No. 540, art. 5, sch. 3. S.I. No. 540, art. 4, sch. 2.
c. 92	Railways Clauses Act 1863.	Ss. 13–19. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 112	Telegraph Act 1863 ...	Excl. (E.) Ss. 36–40. Functions transfd. to Bd. of Trade.	59, s. 24(1)(e). S.I. No. 145, arts. 2, 3, sch. 1.
27 & 28 Vict.: c. 44	Matrimonial Causes Act 1864.	Rep.	2, s. 34(1), sch. 2.
c. 114	Improvement of Land Act 1864.	Ss. 22 rep., 23 rep. in pt.	2, s. 34(1), sch. 2.
28 & 29 Vict.: c. 48	Courts of Justice Building Act 1865.	S. 23 rep.	2, s. 34(1), sch. 2.
c. 49	Courts of Justice Concentration (Site) Act 1865.	Rep. exc. s. 10 S. 10 mod.	2, s. 34(1), sch. 2. 2, s. 28(1).
c. 111	Navy and Marines (Property of Deceased) Act 1865.	Ss. 5, 6, 8 am.	32, s. 1(1), sch. 1 Pt. I.
c. 120	Harwich Harbour Act 1865.	Ss. 5, 6, 8. Power to am. to Bd. of Trade.	32, s. 6. S.I. No. 145, arts. 2, 3, sch. 1.
c. 125	Dockyard Ports Regulation Act 1865.	S. 7. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
29 & 30 Vict.: c. 37	Hop (Prevention of Frauds) Act 1866.	S. 15 rep. in pt.	2, s. 34(1), sch. 2.
c. 39	Exchequer and Audit Departments Act 1866.	Sch. A am.	S.I. No. 1126.
c. 122	Metropolitan Commons Act 1866.	Functions transfd. to Min. of Land and Natural Resources. Am.	S.I. No. 143, arts. 2, 3(1), sch. S.I. No. 540, art. 8.
30 & 31 Vict.: c. 122	Courts of Law (Fees) Act 1867.	Rep.	2, s. 34(1), sch. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
31 & 32 Vict.: c. 24	Capital Punishment Amendment Act 1868.	Am. (E.) (S.) (<i>temp.</i>) ...	71, ss. 3(2), 4, sch.
c. 37	Documentary Evidence Act 1868.	Sch. am. ...	51, s. 104, sch. 10 para. 3.
c. 89	Inclosure, &c. Expenses Act 1868.	Functions transfd. (saving) to Min. of Land and Natural Resources.	52, s. 83(3), sch. 7 para. 3. S.I. No. 143, arts. 2, 3(1), sch.
c. 101	Titles to Land Consolidation (Scotland) Act 1868.	S. 20 ext.	16, s. 1(6), sch. 2 paras. 1-3.
c. 107	Indictable Offences Act Amendment Act 1868.	S. 4 rep. (Republic of Ireland).	45, ss. 9(1)(2), 13(3).
32 & 33 Vict.: c. 43	Diplomatic Salaries, &c. Act 1869.	Pensions increase ...	78, s. 1, sch. 1 Pt. 1 para. 21.
c. 60	Political Offices Pension Act 1869.	Rep.	11, s. 20(2)(3), sch. 5.
c. 62	Debtors Act 1869 ...	S. 5 restr. ...	52, s. 28(2). 53, s. 10(2).
c. 73	Telegraph Act 1869 ...	S. 11 am. and rep. in pt.	2, s. 17(1), sch. 1.
c. 107	Metropolitan Commons Amendment Act 1869.	Functions transfd. to Min. of Land and Natural Resources. Am.	S.I. No. 143, arts. 2, 3(1), sch. S.I. No. 540, art. 8.
33 & 34 Vict.: c. 23	Forfeiture Act 1870 ...	S. 2 appl. (mod.) ...	74, s. 86.
c. 78	Tramways Act 1870 ...	S. 12 ext. am.	2, ss. 14(1), 18, 2, ss. 17(1), 18, sch. 1.
		S. 64(2) am.	2, ss. 17(1), 18, sch. 1.
34 & 35 Vict.: c. 17	Bank Holidays Act 1871.	Sch. am. (<i>temp.</i>) ...	Proclamation dated 24.6.65.
c. 33	Burial Act 1871 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 57	Courts of Justice (Additional Site) Act 1871.	Rep.	2, s. 34(1), sch. 2.
c. 112	Prevention of Crimes Act 1871.	S. 7 am. (S.)	44, s. 1, sch. 1 paras. 2, 3.
35 & 36 Vict.: c. 51	Judges Salaries Act 1872	S. 4 rep. in pt.	61, s. 5(3), sch. 3.
c. 86	Borough and Local Courts of Record Act 1872.	Sch. para. 9 rep. ...	2, s. 34(1), sch. 2.
36 & 37 Vict.: c. 19	Poor Allotments Management Act 1873.	S. 9. Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
36 & 37 Vict.— <i>cont.</i>			
c. 40	Thames Embankment Land Act 1873.	S. 2 am. Ss. 3-5 rep. Sch. am.	S.I. No. 540, arts. 3, 4, schs. 1, 2. S.I. No. 540, art. 5, sch. 3. S.I. No. 540, arts. 3, 4, schs. 1, 2.
c. 57	Consolidated Fund (Permanent Charges Redemption) Act 1873.	S. 3 am. (E.)	2, ss. 17(1), 18, sch. 1.
c. 66	Supreme Court of Judicature Act 1873.	S. 4 am. S. 46 rep. S. 66 rep.	2, s. 17(1), sch. 1. S. 34(1), sch. 2. S.I. No. 1776, r. 1, sch. 2.
38 & 39 Vict.:			
c. 17	Explosives Act 1875 ...	S. 58(b). Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 55	Public Health Act 1875	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 83	Local Loans Act 1875 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 89	Public Works Loans Act 1875.	S. 8 am. (E.) (S.) ... S. 11 expld. (E.) (S.) ... S. 12 excl. (E.) (S.) ... restr. (E.) (S.) ... S. 19 ext. (E.) (S.) ... Ss. 29, 30 am. (E.) (S.) Ss. 38, 46, 50 am. (E.) (S.)	63, s. 2(5), sch. para. 3. 63, s. 2(5), sch. para. 4. 63, s. 2(1). 63, s. 2(5), sch. para. 5. 63, s. 2(5), sch. para. 6. 63, s. 2(5), sch. para. 3. 63, s. 2(5), sch. para. 7.
39 & 40 Vict.:			
c. 22	Trade Union Act Amendment Act 1876.	S. 10 am. (E.) (S.) ... S. 10. Power to am. (E.) (S.).	32, s. 2, sch. 2. 32, s. 6.
c. 28	Court of Admiralty (Ireland) Amendment Act 1876.	S. 13 rep.	2, s. 34(1), sch. 2.
c. 56	Commons Act 1876 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 59	Appellate Jurisdiction Act 1876.	Ss. 6, 7, 14 rep. in pt. ... S. 25 rep. in pt. ...	61, s. 5(3), sch. 3. 2, s. 34(1), sch. 2.
40 & 41 Vict.:			
c. 2	Treasury Bills Act 1877	S. 6 excl.	1, s. 2(2). 8, s. 3(2). 23, s. 2(2).
c. 57	Supreme Court of Judicature Act (Ireland) 1877.	Ss. 18, 20 rep. in pt. ...	61, s. 5(3), sch. 3.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
41 & 42 Vict.:			
c. 29	Monuments (Metropolis) Act 1878.	Am.	S.I. No. 540.
c. 43	Marriage Notice (Scotland) Act 1878.	Rep. in pt. S. 1 subst.	49, s. 58(2), sch. 2. 49, s. 58(1), sch. 1.
c. 56	Commons (Expenses) Act 1878.	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 71	Metropolitan Commons Act 1878.	Am.	S.I. No. 540, art. 8.
c. 76	Telegraph Act 1878 ...	S. 5. Functions transfd. to Bd. of Trade. S. 7 ext. (E.) (S.) ...	S.I. No. 145, arts. 2, 3, sch. 1. 16, s. 20.
c. 77	Highways and Locomotives (Amendment) Act 1878.	S. 35. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
42 & 43 Vict.:			
c. 22	Prosecution of Offences Act 1879.	S. 7 rep. in pt. S. 8 rep. in pt. and superseded. S. 9 rep. in pt.	69, s. 10(3), sch. 2 Pt. II. 2, ss. 27, 36(4), sch. 3. 2, s. 34(1), sch. 2.
c. 31	Public Health (Interments) Act 1879.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
44 & 45 Vict.:			
c. 69	Fugitive Offenders Act 1881.	Mod.	S.I. No. 1958, art. 4.
45 & 46 Vict.:			
c. 15	Commonable Rights Compensation Act 1882.	Saved Functions transfd. to Min. of Land and Natural Resources.	56, s. 21(2). S.I. No. 143, arts. 2, 3(1), sch.
c. 21	Places of Worship Sites Amendment Act 1882.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 22	Boiler Explosions Act 1882.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 42	Civil Imprisonment (Scotland) Act 1882.	S. 4 restr.	52, s. 28(2). 53, s. 10(2)(3).
46 & 47 Vict.:			
c. 3	Explosive Substances Act 1883.	Ss. 2-4 am. (S.)	44, s. 1, sch. 1 paras 2, 3.
c. 15	Lands Clauses (Umpire) Act 1883.	Rep.	56, s. 39(4), sch. 8 Pt. III.
c. 22	Sea Fisheries Act 1883 ...	S. 11(2). Functions transfd to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 47	Provident Nominations and Small Intestacies Act 1883.	S. 7 am. (E.) (S.) rep. in pt. (E.) (S.) S. 7 Power to am. S. 8 rep. in pt.	32, ss. 1(1), 3, schs. 1 Pt. I, 3, schs. 3, 4. 32, ss. 3, 7(6), schs. 3, 4. 32, s. 6. 32, ss. 3, 7(6), schs. 3, 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
47 & 48 Vict.:			
c. 12	Public Health (Confirmation of Byelaws) Act 1884.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 54	Yorkshire Registries Act 1884.	S. 14. Power to excl. or mod. (<i>prosp.</i>)	64, s. 13.
c. 55	Pensions and Yeomanry Pay Act 1884.	Ss. 36 rep., 37, 38, 40, 49 all rep. in pt. S. 4 am. and expld. (certain functions transfd. to Min. of Overseas Development). S. 4 am. S.4. Power to am. ...	2, s. 34(1), sch. 2. S.I. No. 1528. 32, s. 1(1), sch. 1 Pt. II. 32, s. 6.
48 & 49 Vict.:			
c. 33	Metropolis Management Act 1885.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 61	Secretary for Scotland Act 1885.	Sch. Pt. I rep. so far as relating to registration of births, deaths and marriages.	49, s. 58(2), sch. 2.
49 & 50 Vict.:			
c. 27	Guardianship of Infants Act 1886.	S. 7 rep. (E.)	72, s. 45, sch. 2.
c. 49	Peterhead Harbour of Refuge Act 1886.	S. 13. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
50 & 51 Vict.:			
c. 6	Supreme Court of Judicature (Ireland) Act 1887.	Ss. 1, 4, 5 rep.	2, s. 34(1), sch. 2.
c. 13	Pensions (Colonial Service) Act 1887.	Rep. (saving) and superseded.	10, ss. 6, 9(5), sch. 4 Pt. III.
c. 16	National Debt and Local Loans Act 1887.	Appl. (E.) (S.)	63, s. 1(2).
c. 27	Markets and Fairs (Weighing of Cattle) Act 1887.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 34	London Parks and Works Act 1887.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 35	Criminal Procedure (Scotland) Act 1887.	S. 45 rep. Ss. 55 and 56 am. (<i>temp.</i>)	61, s. 5(3), sch. 3. 71, ss. 3(2), 4, sch.
c. 67	Superannuation Act 1887.	Rep.	74, s. 104(2), sch. 11.
c. 71	Coroners Act 1887 ...	S. 5(1) rep. in pt. (saving) S. 20(2) rep. in pt. ...	69, ss. 7(2), 10(3), sch. 2 Pt. II. 69, s. 10(3), sch. 2 Pt. II.
51 & 52 Vict.:			
c. 20	Gleve Lands Act 1888 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1).
c. 29	Lloyd's Signal Stations Act 1888.	Ss. 3 and 12. Functions transfd. to Bd. of Trade. S.12 in pt. rep. and superseded.	S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 145, art. 3(5), sch. 2.

Chapter of Act or number of Measure or Statutory Instrument

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
51 & 52 Vict.— <i>cont.</i>			
c. 41 ...	Local Government Act 1888.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
		S. 50(4) rep. in pt. ...	S.I. No. 654, art. 3(24), sch. 1.
		S. 95(2) am.	S.I. No. 654, art. 3(2).
52 & 53 Vict.:			
c. 12 ...	Assizes Relief Act 1889...	S. 1(2) rep. in pt. ...	69, s. 10(3), sch. 2 Pt. II.
		S. 3(1) am. ...	69, s. 10(3), sch. 2 Pt. I.
		rep. in pt. ...	69, s. 10(3), sch. 2 Pts. I, II.
c. 45 ...	Factors Act 1889 ...	S. 9 expld. (E.) ...	66, ss. 54, 59.
		expld. (S.) ...	67, ss. 50, 55.
c. 63 ...	Interpretation Act 1889...	S. 23 saved ...	2, s. 17(2).
		S. 26 expld. (S.) ...	19, s. 13.
		S. 26 excl. in pt. (E.) ...	66, ss. 12(5), 59.
		excl. in pt. (S.) ...	67, ss. 12(5), 55.
		expld. (S.) ...	46, s. 15(3).
		S. 32(3) appl. (E.) ...	66, ss. 59, 61(2).
		appl. (S.) ...	67, ss. 55, 57(2).
		S. 33 saved (E.) ...	24, s. 22(4).
		S. 37 saved (E.) ...	66, ss. 59, 61(4).
		saved (S.) ...	67, ss. 55, 57(4).
		S. 38 mod. ...	51, s. 117(4).
			52, s. 87(7).
			53, s. 23(4).
			54, s. 8(3).
		saved ...	15, s. 27(4).
			57, s. 29(4).
			74, s. 105.
		S. 38 saved (E. and S.)...	12, s. 77(4).
		saved (E.) ...	66, ss. 59, 60.
		saved (S.) ...	49, s. 57(6).
		S. 38(1) saved ...	67, ss. 55, 56.
		saved (E.) ...	58, s. 9(4).
			72, ss. 38, 45, sch. 1 paras. 1, 3.
		S. 38(2) appl. (E.) (S.) (6.8.1972).	33, s. 18(6).
		appl. (E.) ...	59, s. 41(2), sch. 10 para. 3(5).
53 & 54 Vict.:			
c. 54 ...	Metropolis Management Act 1862 Amendment Act 1890.	Rep. ...	S.I. No. 540, art. 5, sch. 3.
c. 59 ...	Public Health Acts Amendment Act 1890.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		S. 51(12) expld. ...	S.I. No. 654, art. 3(3).
c. 66 ...	Metropolis Management Amendment Act 1890.	Rep. ...	S.I. No. 540, art. 5, sch. 3.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
54 & 55 Vict.:			
c. 10	Middlesex Registry Act 1891.	Rep.	2, s. 34(1), sch. 2.
c. 24	Public Accounts and Charges Act 1891.	S. 2 ext.	23, s. 3.
c. 37	Fisheries Act 1891 ...	Pt. I. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 38	Stamp Duties Management Act 1891.	Power to appl. (mod.) ...	51, s. 14(2)(b).
c. 39	Stamp Act 1891... ..	Ext.	25, s. 90(6).
		S. 9. Power to appl. (mod.) (E.) (S.).	51, s. 14(2)(b).
		S. 12 appl. (E.) (S.) ...	36, s. 1(7).
		S. 13(4) am.	25, s. 91.
c. 40	Brine Pumping (Compensation for Subsidence) Act 1891.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 64	Land Registry (Middlesex Deeds) Act 1891.	S. 4 rep.	2, s. 34(1), sch. 2.
55 & 56 Vict.:			
c. 27	Parliamentary Deposits and Bonds Act 1892.	Rep. exc. so far as relating to N.I. Parliament.	2, s. 34(1), sch. 2.
c. 40	Superannuation Act 1892	Rep. (saving) and superseded.	10, ss. 6, 9(5), sch. 4 Pt. III.
c. 43	Military Lands Act 1892	Pt. II (ss. 14-18) ext. (E.) (S.).	16, s. 9(7).
c. 55	Burgh Police (Scotland) Act 1892.	Ss. 235, 303, 304(2). Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		S. 403 saved	75, s. 35(4).
		S. 412 ext.	27, ss. 1, 2.
56 & 57 Vict.:			
c. 5	Regimental Debts Act 1893.	Ss. 7, 9, 16 am.	32, s. 1(1), sch. 1 Pt. I.
c. 39	Industrial and Provident Societies Act 1893.	Ss. 7, 9, 16. Power to am.	32, s. 6.
c. 55	Metropolis Management (Plumstead and Hackney) Act 1893.	Rep.	12, s. 77(1), sch. 5.
c. 57	Law of Commons Amendment Act 1893.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 57	Law of Commons Amendment Act 1893.	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 71	Sale of Goods Act 1893	S. 11(1)(c) excl. (E.) ...	66, ss. 20(1), 59.
		Ss. 12-15 excl. (E.) ...	66, ss. 20(3), 59.
		excl. (S.)	67, ss. 20, 55.
		S. 25(2) expld. (E.) ...	66, ss. 54, 59.
		expld. (S.)	67, ss. 50, 55.
		S. 26 am. (E.)	2, s. 22(2).
		S. 26(1) am.	2, s. 22(1).
c. 73	Local Government Act 1894.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
		S. 26(2). Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
		Ss. 33 rep., 35 rep. in pt.	S.I. No. 654, art. 3, sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
57 & 58 Vict.:			
c. 8 ...	Industrial and Provident Societies Act 1894.	Rep. ...	12, s. 77(1), sch. 5.
c. 23 ...	Commissioners of Works Act 1894.	S. 1(3) rep. ...	2, s. 34(1), sch. 2.
c. 30 ...	Finance Act 1894 ...	Pt. I (ss. 1-24) ext. ...	25, s. 26(10).
		S. 7(5) expld. ...	25, s. 26(3)(4).
		S. 8(1) saved ...	32, s. 4(2)(3).
		S. 15(2) ext. ...	74, s. 93(3).
c. 60 ...	Merchant Shipping Act 1894.	Functions transf'd. to Bd. of Trade.	25, s. 31(1).
		S. 6 excl. (<i>prosp.</i>) ...	S.I. No. 145, arts. 2, 3, sch. 1.
		S. 24(2) rep. in pt. (<i>prosp.</i>)	47, s. 1(4).
		Ss. 77-81 rep. and superseded (<i>prosp.</i>)	47, s. 7(2), sch. 2.
		S. 82 excl. (<i>prosp.</i>) ...	47, ss. 1, 7(2), sch. 2.
		S. 83 restr. (<i>prosp.</i>) ...	47, s. 1(5).
		S. 84(1) am. (<i>prosp.</i>) ...	47, s. 1(4).
		S. 84(1) rep. in pt. (<i>prosp.</i>)	47 s. 7(1), sch. 1.
		S. 85(1)(3) am. (<i>prosp.</i>)...	47, s. 7(2), sch. 2.
		S. 86 excl. (<i>prosp.</i>) ...	47, s. 7(1), sch. 1.
		S. 176(1)(a)(b) am. ...	47, s. 1(4).
		S. 176(1)(a)(b). Power to am.	32, s. 1(1), sch. 1 Pt. I.
		S. 371(1) rep. in pt. and superseded (<i>prosp.</i>)	Pt. I.
		S. 371(2)(3) rep. and superseded (<i>prosp.</i>)	32, s. 6.
		S. 503 excl. ...	47, ss. 1, 7, schs. 1, 2.
		Sch. 1 Pt. I, Form A—Bill of Sale—rep. (<i>prosp.</i>)	47, ss. 1, 7(2), sch. 2.
		Sch. 1 Pt. II am. (<i>prosp.</i>)	57, s. 14(1).
		Schs. 2, 6 paras. (2)-(5) rep. (<i>prosp.</i>)	47, s. 7(2), sch. 2.
58 & 59 Vict.:			
c. 11 ...	Lands Clauses (Taxation of Costs) Act 1895.	Rep. ...	56, s. 39(4), sch. 8 Pt. III.
c. 16 ...	Finance Act 1895 ...	S. 12 excl. (E.) (S.) ...	16 s. 1(6), sch. 2 para. 7.
		excl. (E.) ...	59, s. 48 (4).
		mod. (E.) ...	59, s. 16(1), sch. 7 para. 12.
c. 30 ...	Industrial and Provident Societies (Amendment) Act 1895.	Rep. ...	12, s. 77 (1), sch. 5.
c. 36 ...	Fatal Accidents Inquiry (Scotland) Act 1895.	Excl. ...	36, s. 17(4).
		Excl. ...	57, s. 22(6).
59 & 60 Vict.:			
c. 8 ...	Life Assurance Companies (Payment into Court) Act 1896.	Ss. 3, 4 am. (E.) ...	2, ss. 17(1), 18, sch. 1.
c. 25 ...	Friendly Societies Act 1896.	Ss. 3, 4(2)(3), 6 appl. ...	12, s. 73 (2).
		S. 56(1) am. (E.) (S.) ...	32, s. 2, sch. [2].
		S. 56(1). Power to am.	32, s. 6.
		S. 57(1) am. (E.) (S.) ...	32, s. 2, sch. 2.
		S. 57(1). Power to am.	32, s. 6.

Effect of Legislation

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
59 & 60 Vict.: c. 25— <i>cont.</i>	Friendly Societies Act 1896— <i>cont.</i>	S. 58(1) am. rep. in pt.	32, ss. (1), 3, schs. 1 Pt. I, 3, 32, ss. 3, 7(6), schs. 3, 4, 32, s. 6.
c. 48	Light Railways Act 1896	S. 58(1). Power to am. S. 11 ext. S. 11 para. (k) subst. S. 21. Functions transfd. to Min. of Land and Natural Resources.	2, ss. 14(1), 18, 2, ss. 17(1), 18, sch. 1. S.I. No. 143, arts. 2, 3(1), sch.
60 & 61 Vict.: c. 38	Public Health (Scotland) Act 1897.	S. 15 rep. in pt. S. 107 ext. S. 119. Functions transfd. to Bd. of Trade.	49, s. 58(2), sch. 2. 16, s. 19(4). S.I. No. 145, arts. 2, 3, sch. 1.
c. 40	Local Government (Joint Committees) Act 1897.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 66	Supreme Court of Judicature (Ireland) (No. 2) Act 1897.	S. 11 rep.	2, s. 34(1), sch. 2.
61 & 62 Vict.: c. 29	Locomotives Act 1898 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 43	Metropolitan Commons Act 1898.	Am.	S.I. No. 540, art. 8.
c. 44	Merchant Shipping (Merchantile Marine Fund) Act 1898.	Functions transfd. to Bd. of Trade. S. 1 restr. (<i>prosp.</i>) Sch. 2 am.	S.I. No. 145, arts. 2, 3, sch. 1. 47, s. 1(4). S.I. No. 318, art. 2.
c. 57	Elementary School Teachers (Superannuation) Act 1898.	Pensions increase S. 6(1)(d) am. S. 6(1)(d). Power to am.	78, s. 1, sch. 1 Pt. I para. 3. 32, s. 1(1), sch. 1 Pt. II. 32, s. 6.
62 & 63 Vict.: c. 14	London Government Act 1899.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 23	Anchors and Chain Cables Act 1899.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 30	Commons Act 1899 ...	Functions transfd. to Min. of Land and Natural Resources. Functions applying to Wales transfd. to Secy. of State. S. 22 saved Sch. 1 am.	S.I. No. 143 arts. 2, 3(1), sch. S.I. No. 319, art. 2, sch. 1. 56, s. 21(2). 56, s. 39(3), sch. 7.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
62 & 63 Vict.— <i>cont.</i> c. 44	Small Dwellings Acquisition Act 1899.	Functions applying to Wales transf'd. to Secy. of State. S. 5(5) rep. in pt. (<i>prosp.</i>)	S.I. No. 319, art. 2, sch. 1. 75, s. 52(1), sch. 7 Pt. II.
63 & 64 Vict.: c. 56	Military Lands Act 1900	S. 2. Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
2 Edw. 7: c. 8	Cremation Act 1902 ...	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 41	Metropolis Water Act 1902.	S. 1(3) subst. S. 15(2) subst., 15(3) am. S. 15(4) rep. Sch. 3, paras. 4 rep. in pt. and restr., 8–11 rep., 13 rep. in pt.	S.I. No. 654, art. 12. S.I. No. 654, art. 12. S.I. No. 654, art. 3, sch. 1. S.I. No. 654, art. 12.
3 Edw. 7: c. 20	Patriotic Fund Reorganisation Act 1903.	Sch. para. 6 am. ...	S.I. No. 1126.
6 Edw. 7: c. 14	Alkali, &c. Works Regulation Act 1906.	Functions applying to Wales (exc. under ss. 9, 10 and 14) transf'd. (saving) to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 25	Open Spaces Act 1906 ...	S. 27, sch. 1 am. (S.) ... S. 10 am. (<i>prosp.</i>) ... S. 15 ext. (<i>prosp.</i>) ... am. S. 19 para. (d) rep., s. 19 (2) added.	S.I. No. 478. 64, s. 8(4). 64, s. 8(4). S.I. No. 654, art. 3(5). S.I. No. 654, art. 3(5).
c. 33	Local Authorities (Treasury Powers) Act 1906.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 48	Merchant Shipping Act 1906.	Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 55	Public Trustee Act 1906	Ss. 54, 55 rep. (<i>prosp.</i>) ... S. 8(5) am. S. 9(1) am. S. 9(3)(4) am. S. 11(2) mod. S. 13 mod. S. 14(1) ext.	47, s. 7(2), sch. 2. 2, ss. 2(1)(a), 18. 2, ss. 2(1)(b), 18. 2, ss. 2(1)(c), 18. 2, ss. 2(2)(a), 18. 2, ss. 2(2)(b), 18. 2, s. 15(4).
7 Edw. 7: c. 40	Notification of Births Act 1907.	S. 1(2) am.	42, s. 1(2).
c. 41	Whale Fisheries (Scotland) Act 1907.	S. 3(2). Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
7 Edw. 7— <i>cont.</i> c. 44	Burial Act 1906 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 51	Sheriff Courts (Scotland) Act 1907.	S. 20. Pensions increase	78, s. 1, sch. 1 Pt. I para. 17.
c. 52	Merchant Shipping Act 1907.	S. 21 excl. Rep. (<i>prosp.</i>)	22, s. 2(5). 47, s. 7(2), sch. 2.
c. 53	Public Health Acts Amendment Act 1907.	Functions applying to Wales transfd. to Secy. of State. S. 82. Functions transfd. to Bd. of Trade.	S.I. No. 319, arts. 2, 9, 10, sch. 1. S.I. No. 145, arts. 2, 3, sch. 1.
8 Edw. 7: c. 16	Finance Act 1908 ...	S. 6. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 36	Small Holdings and Allotments Act 1908.	Functions as to allotments transfd. to Min. of Land and Natural Resources. Functions applying to Wales transfd. to Secy. of State. S. 24(4) expld.	S.I. No. 143, arts. 2, 3(1). S.I. No. 319, art. 2, sch. 1. S.I. No. 143, art. 3(2).
c. 44	Commons Act 1908 ...	S. 38 am.	56, s. 38(1)(2), sch. 6.
c. 53	Law of Distress Amendment Act 1908.	Functions transfd. to Min. of Land and Natural Resources. S. 4 expld. (E.)	S.I. No. 143, arts. 2, 3(1), sch. 66, ss. 53(1)(a)(b), (2), (3), 59.
9 Edw. 7: c. 10	Superannuation Act 1909	Rep.	74, s. 104(2), sch. 11.
10 Edw. 7 & 1 Geo. 5: c. 7	Development and Road Improvement Funds Act 1910.	S. 2(1) rep. S. 2(2) rep. in pt. (saving)	10, s. 9(5), sch. 4 Pt. II. 10, s. 9(5), sch. 4 Pt. III.
c. 8	Finance (1909-10) Act 1910.	S. 74 ext. S. 88. Functions applying to Wales transfd. to Secy. of State.	25, s. 90(5). S.I. No. 319, art. 2, sch. 1.
c. 32	Registration of Births, Deaths and Marriages (Scotland) Amendment Act 1910.	Rep.	49, s. 58(2), sch. 2.
2 & 3 Geo. 5: c. 31	Pilotage Act 1913 ...	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
3 & 4 Geo. 5: c. 20	Bankruptcy (Scotland) Act 1913.	S. 118 ext. S. 118(1)(f). Power to apply.	51, s. 61(1). 52, ss. 83(4)(a)(iii), 84(2)(c). 61, s. 5(3), sch. 3.
c. 21	Appellate Jurisdiction Act 1913.	S. 1 rep. in pt.	61, s. 5(3), sch. 3.
c. 31	Industrial and Provident Societies (Amendment) Act 1913.	Rep.	12, s. 77(1), sch. 5.
c. 32	Ancient Monuments Consolidation and Amendment Act 1913.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
4 & 5 Geo. 5: c. 5	Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act 1914.	S. 7 am. S. 7. Power to am.	32, s. 1(1), sch. 1 Pt. I. 32, s. 6.
c. 28	Mall Approach (Improvement) Act 1914.	Rep.	S.I. No. 540, art. 5, sch. 3.
c. 42	Merchant Shipping (Certificates) Act 1914.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 47	Deeds of Arrangement Act 1914.	S. 16 am.	2, ss. 17(1), 18, sch. 1.
c. 59	Bankruptcy Act 1914 ...	S. 1 ext. S. 33 ext. S. 33(1)(f). Power to apply. S. 38 expld.	2, s. 21. 51, s. 61(1). 52, ss. 83(4)(a)(iii), 84(2)(c). 66, ss. 53(1)(b)(2), 59.
c. 86	Superannuation Act 1914	Rep.	74, s. 104(2), sch. 11.
5 & 6 Geo. 5: c. 24	Injuries in War (Compensation) Act 1915.	Pensions increase	78, s. 1, sch. 1 Pt. I para. 22.
c. 74	Police Magistrates (Superannuation) Act 1915.	Pensions increase	78, s. 1, sch. 1 Pt. I para. 19.
6 & 7 Geo. 5: c. 12	Local Government (Emergency Provisions) Act 1916.	Functions applying to Wales transfd. to Secy. of State. Ss. 2, 3. Pensions increase.	S.I. No. 319, art. 2, sch. 1. 78, s. 1, sch. 1 Pt. II para. 1.
8 & 9 Geo. 5: c. 15	Finance Act 1918 ...	S. 38(2). Power to am.	32, s. 6.
c. 55	School Teachers (Superannuation) Act 1918.	Rep. (<i>prosp.</i>) Saved Pensions increase S. 8 am. S. 8. Power to am.	83, ss. 2(1)(c), 8(1)(b). 83, s. 2(2). 78, s. 1, sch. 1 Pt. I para. 4. 32, s. 1(1), sch. 1 Pt. I. 32, s. 6.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
9 & 10 Geo. 5: c. 20	Scottish Board of Health Act 1919.	S. 4(1)(g) rep. in pt. ...	49, s. 58(2), sch. 2.
c. 21	Ministry of Health Act 1919.	S. 3(1) proviso (i) expld. rep. in pt. ...	4, s. 2(5). 4, s. 6(3), sch. 4.
c. 35	Housing, Town Planning etc. Act 1919.	Functions applying to Wales (exc. under s. 19) transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 50	Ministry of Transport Act 1919.	Ss. 2, 11, 17, 20. Functions applying to Wales transf'd. (saving) to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 53	War Pensions (Administrative Provisions) Act 1919.	Sch. para. 2(ii) subst. ...	2, s. 29.
c. 58	Forestry Act 1919 ...	Functions transf'd.—(exc. for Wales) to Min. of Land and Natural Resources, (for Wales) to Secy. of State.	S.I. No. 319, arts. 4, 9, 10.
c. 59	Land Settlements (Facilities) Act 1919.	Functions as to allotments transf'd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1).
		Functions applying to Wales (exc. under sch. 1 para. 10) transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
		S. 12(3) rep.	56, s. 39(4), sch. 8 Pt. I.
		S. 22(2) rep.	S.I. No. 654, art. 3, sch. 1.
		S. 28. Functions transf'd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 75	Ferries (Acquisition by Local Authorities) Act 1919.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 2.
c. 92	Aliens Restriction (Amendment) Act 1919.	S. 1 cont. until end of December, 1966. S. 5(2). Functions transf'd. to Bd. of Trade.	77, s. 1(1), sch. S.I. No. 145, arts. 2, 3, sch. 1.
10 & 11 Geo. 5: c. 16	Imperial War Museum Act 1920.	Ss. 2(b)-(d), 3(2), sch. para. (8) am. and expld. (transfer of functions from Treasury to Secy. of State for Educ. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act 1920.	Excl. (E.) Ext. (regulated tenancies) (E.) (S.). Excl. and mod. (mortgages) (E.) (S.). Excl. (regulated tenancies) (S.).	59, s. 22(3). 75, s. 1. 75, ss. 1(6), 2, 42(4), sch. 1 Pt. II para. 4. 75, s. 2.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
10 & 11 Geo. 5: c. 17— <i>cont.</i>	Increase of Rent and Mortgage Interest (Restrictions) Act 1920— <i>cont.</i>	<p>S. 5(2) mod. (E.) (S.) ...</p> <p>excl. (E.) (S.) ...</p> <p>S. 5(3) excl. (E.) (S.) ...</p> <p>S. 5(4) rep. in pt. (E.) (S.) (<i>prosp.</i>)</p> <p>S. 5(7) mod. (E.) (S.) ...</p> <p>S. 12(1)(f), so far as defining "tenant", expld. (E.) (S.)</p> <p>S. 12(2) mod. (E.) (S.) ...</p> <p>S. 12(3) excl. (E.) (S.) ...</p> <p>S. 12(7) mod. (E.) (S.) ...</p> <p>S. 12(9) (10) excl. (E.) (S.)</p> <p>S. 14 mod. (E.) (S.) ...</p>	<p>75, s. 1(6), sch. 1 Pt. II para. 5 (1).</p> <p>75, ss. 14(1), 15, 16(2).</p> <p>75, s. 1(6), sch. 1 Pt. II para. 5 (2).</p> <p>75, s. 52(1), sch. 7 Pt. II.</p> <p>75, s. 1(6), sch. 1 Pt. II para. 5 (3).</p> <p>75, s. 13(4).</p> <p>75, s. 1(6), sch. 1 Pt. I para. 1(1).</p> <p>75, s. 1(6), sch. 1 Pt. I para. 1(2).</p> <p>75, s. 1(6), sch. 1 Pt. I para. 1(3).</p> <p>75, s. 1(6), sch. 1 Pt. I para. 1(4).</p> <p>75, s. 1(6), sch. 1 Pt. II para. 6.</p>
c. 36 ...	Pensions (Increase) Act 1920.	Power to apply (mod.) ...	11, s. 17(1).
		Ext. ...	11, s. 17(4).
			25, ss. 86(8), 92 (9), 93(7).
c. 67 ...	Government of Ireland Act 1920.	Ext. ...	45, s. 11. 51, s. 104(5). 53, s. 24. 62, s. 58 (4). 69, s. 9.
		Ext. (<i>prosp.</i>) ...	37, s. 11(3).
		S. 4(1) para. (14) mod. ...	2, s. 31.
		S. 6 mod. ...	15, s. 25. 52, s. 83(5). 57, s. 27(6). 74, s. 39(4).
		S. 22(1) am. ...	25, s. 96.
		S. 55(2) rep. in pt. (<i>saving</i>)	10, s. 9(5), sch. 4 Pt. III.
		Sch. 6 para. III (b), item (iii), am. (<i>retrosp.</i>).	10, s. 4(1)(6), sch. 1.
		Sch. 8. Pensions increase	78, ss. 1, 8(3), sch. 1 Pt. I para. 2.
c. 69 ...	Registrar General (Scotland) Act 1920.	Rep. ...	49, s. 58(2), sch. 2.
c. 72 ...	Roads Act 1920...	S. 3(6). Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
11 & 12 Geo. 5: c. 28 ...	Merchant Shipping Act 1921.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.

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11 & 12 Geo. 5— <i>cont.</i>			
c. 31	Police Pensions Act 1921	Pensions increase ...	78, s. 1, sch. 1 Pt. II para. 5.
c. 67	Local Authorities (Financial Provisions) Act 1921.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
12 & 13 Geo. 5:			
c. 42	School Teachers (Superannuation) Act 1922.	Rep. (<i>prosp.</i>)	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 51	Allotments Act 1922 ...	Functions transfd. to Min. of Land and Natural Resources. Functions applying to Wales (exc. under s. 16) transfd. to Secy. of State.	S.I. No. 143 arts. 2, 3(1). S.I. No. 319, art. 2, sch. 1.
c. 55	Constabulary (Ireland) Act 1922.	S. 20 expld. Pensions increase ... Sch. Pt. II para. 15(3): am. power to am. ...	S.I. No. 143, art. 3(2). 78, s. 1, sch. 1 Pt. I para. 6. 32, s. 1(1), sch. 1 Pt. I. 32, s. 6.
13 Geo. 5, Sess. 2:			
c. 2	Irish Free State (Consequential Provisions) Act 1922.	S. 7(2) rep. (saving) ...	10, s. 9(5), sch. Pt. III.
13 & 14 Geo. 5:			
c. 8	Industrial Assurance Act 1923.	S. 7 ext. S. 7(1) am.	2, ss. 14(1), 18. 2, ss. 17(1), 18, sch. 1.
c. 16	Salmon and Freshwater Fisheries Act 1923.	Functions applying to Wales transfd. to Secy. of State. S. 8 mod. S. 9 rep. and superseded S. 16(2) am. S. 67(1)(d) am. S. 91. Functions transfd. to Bd. of Trade. S. 91 in pt. rep. and superseded.	S.I. No. 319, arts. 2, 9, 10 sch. 1. 13, ss. 2(2), 4(1). 68, s. 1. 56, s. 38(1)(2), sch. 6. 68, s. 2(2). S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 145, art. 3(5), sch. 2.
c. 18	War Memorials (Local Authorities' Powers) Act 1923.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 20	Mines (Working Facilities and Support) Act 1923.	S. 9(3) am.	2, ss. 17(1), 18, sch. 1.
c. 21	Forestry (Transfer of Woods) Act 1923.	Functions transfd. (exc. for Wales), to Min. of Land and Natural Resources; (for Wales) to Secy. of State.	S.I. No. 319, arts. 4, 9, 10.

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13 & 14 Geo. 5: c. 21— <i>cont.</i>	Forestry (Transfer of Woods) Act 1923— <i>cont.</i>	S. 6(2) proviso (a), 6(3) rep.	10, s. 9(5), sch. 4 Pt. II.
c. 24	Housing &c. Act 1923 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 32	Rent and Mortgage Interest Restrictions Act 1923.	Excl. (mortgages) (E.) (S.) S. 3 excl. Ss. 6(1), 8(1) ext. ...	75, s. 1(6), sch. 1 Pt. II para. 7. 75, s. 1(6), sch. 1 Pt. II para. 8. 75, s. 1(6), sch. 1 Pt. II para. 9.
14 & 15 Geo. 5: c. 17	County Courts Act 1924	S. 4 am. S. 4(2)(b) rep. in pt. ... S. 4(5) rep. in pt. ... S. 5(4) rep. Saved	10, s. 5, sch. 2 para. 26(1)(2). 10, s. 9(5), sch. 4 Pt. II. 2, s. 34(1), sch. 2. 2, s. 34(1), sch. 2. 57, s. 12(4)(a).
c. 22	Carriage of Goods by Sea Act 1924.	S. 4 ext.	16, s. 1(6), sch. 2 paras. 1-3.
c. 27	Conveyancing (Scotland) Act 1924.	S. 4 ext.	S.I. No. 319, art. 2, sch. 1.
c. 35	Housing (Financial Provisions) Act 1924.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
15 & 16 Geo. 5: c. 18	Settled Land Act 1925 ...	S. 39(2) saved S. 117(1A) added ...	56, s. 24(6). 2, ss. 17(1), 18, sch. 1.
c. 19	Trustee Act 1925 ...	S. 63(1) rep. in pt. ... S. 68 paras. (8) rep., (13) rep. in pt. S. 68(2) added	2, s. 36(4), sch. 3. 2, ss. 17(1), 18, sch. 1. 2, ss. 17(1), 18, sch. 1.
c. 20	Law of Property Act 1925	S. 7(4) saved S. 42(7) saved S. 64 ext. S. 115 ext. S. 115(9) rep. in pt. ...	56, s. 28(3). 56, s. 2, sch. 1 para. 1. 16, s. 1(6), sch. 2 paras. 1-3. 59, s. 16(1), sch. 7 para. 13. 12, s. 33. 12, s. 77(1), sch. 5. S.I. No. 143, arts. 2, 3(1), sch.
c. 21	Land Registration Act 1925.	Appl. (<i>prosp.</i>) S. 3 para. (ix) ext. ... S. 123 ext. (<i>prosp.</i>) ... S. 137(3) rep. in pt. ...	64, s. 21(1). 2, ss. 17(1), 18, sch. 1. 64, s. 1(1). 36, s. 12(4), 13 (6). 64, s. 12. 2, s. 34(1), sch. 2.

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15 & 16 Geo. 5— <i>cont.</i>			
c. 22	Land Charges Act 1925...	S. 10, Class D, para. (iii) ext.	36, ss. 12(4), 13 (6).
c. 23	Administration of Estates Act 1925.	S. 15 ext.	36, s. 27(2).
c. 24	Universities and College Estates Act 1925.	S. 9 expld.	59, ss. 1(4), 9(2). 66, ss. 26(2)(a), 59.
c. 42	Merchant Shipping (International Labour Conventions) Act 1925.	S. 42. Functions transfd. (saving) to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
c. 49	Supreme Court of Judicature (Consolidation) Act 1925.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		S. 2(1) am.	61, ss. 3, 5(2), sch. 2.
		Ss. 13 rep., 15 rep. in pt.	61, s. 5(3), sch. 3.
		S. 63(1) restr.	51, s. 65(6).
		restr. (<i>prosp.</i>)	64, s. 18(2).
		S. 78(4) rep. in pt.	69, s. 10(3), sch. 2 Pt. II.
		S. 99 ext.	2, ss. 6(1)(a), 18.
		S. 108(3) proviso rep.	2, s. 26.
		Ss. 109A(2)–(4) rep., 115 (2) proviso rep.	2, s. 34(1), sch. 2.
		S. 118 excl.	10, s. 5, sch. 2 para. 26(3).
		Ss. 119(1) rep. in pt., 123(4) rep., 126(1) proviso rep., 127(2) rep.	2, s. 34(1), sch. 2.
		S. 128 am.	10, s. 5, sch. 2 para. 26(1)(2).
		S. 128(1)(b) rep. in pt.	10, s. 9(5), sch. 4 Pt. II.
		S. 128(1)(c) am.	2, s. 25(1).
		S. 128(1) prov. (i) rep. in pt., prov. (ii) rep.	2, s. 34(1), sch. 2.
		S. 128(2) rep. in pt.	2, s. 34(1), sch. 2.
		S. 128(3) rep.	2, s. 36(4), sch. 3.
		Ss. 133(4)–(6), 134 rep., 135 rep. in pt.	2, s. 36(4), sch. 3.
		Ss. 136–147 rep. (with saving by s. 7(3) for s. 146).	2, s. 36(4), sch. 3.
		S. 149 rep.	72, s. 25(5).
		S. 162(1) expld.	2, s. 26.
		S. 212 ext.	2, s. 36(4), sch. 3.
		Sch. 1 rep. so far as relating to 1842 c. 86, to s. 127 of 1852 c. 76, to ss. 2, 3 and 11 of 1857 c. 43, and to s. 46 of 1873 c. 66.	
		Sch. 3 Pt. IV rep.	2, s. 34(1), sch. 2.
		Sch. 4 para. 6 am.	2, s. 24(1)(a).
		Sch. 4 para. 7 am.	2, s. 24(1)(b).
c. 50	Theatrical Employers Registration Act 1925.	S. 12(2) rep.	S.I. No. 654, art. 3, sch. 1.

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15 & 16 Geo. 5— <i>cont.</i>			
c. 59	Teachers (Superannuation) Act 1925.	Ss. 1-8 rep. (<i>prosp.</i>) ...	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		S. 9(1) am. (<i>prosp.</i>), 9(1A) added (<i>prosp.</i>).	83, s. 2(1)(a), sch. 2 Pt. I para. 1.
		S. 10(1)(2) am. (<i>prosp.</i>) ...	83, s. 2(1)(a), sch. 2 Pt. I para. 2.
		S. 10(2A) added (<i>prosp.</i>)	83, s. 2(1)(a), sch. 2 Pt. I para. 2.
		S. 10(3) rep. (<i>prosp.</i>) ...	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		Ss. 12-14 rep. (<i>prosp.</i>) ...	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		S. 14(3)(b). Pensions increase.	78, s. 1, sch. 1 Pt. II para. 2.
		S. 15(1) am. (<i>prosp.</i>) ...	83, s. 2(1)(a), sch. 2 Pt. I para. 3.
		Ss. 16-21 rep. (<i>prosp.</i>), 23(4) rep. in pt. (<i>prosp.</i>).	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		Sch. 1 rep. exc. para. 11 (<i>prosp.</i>).	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		Sch. 1 para. 8 am. ...	32, s. 1(1), sch. 1 Pt. I.
		Sch. 1 para. 8. Power to am.	32, s. 6.
		Sch. 1 para. 11 rep. ...	83, s. 8(1)(a), sch. 3 Pt. I.
		Sch. 2 para. 2(a) am. (<i>prosp.</i>).	83, s. 2(1)(a), sch. 2 Pt. I para. 4.
c. 61	Allotments Act 1925 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1).
		Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 71	Public Health Act 1925...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 73	National Library of Scotland Act 1925.	S. 2 am. and expld. (transfer of functions from Treasury to Secretary of State for Scotland).	S.I. No. 603, arts. 2(1), 3, sch.
c. 86	Criminal Justice Act 1925	S. 13(3) am.	69, s. 10(3), sch. 2 Pt. I.
		S. 14(2) ext.	69, s. 6(1)(2).
		S. 14(3) ext.	69, s. 6(2).
		S. 15 rep.	26, s. 2(4).
c. 88	Coastguard Act 1925 ...	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 90	Rating and Valuation Act 1925.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 91	Mines (Working Facilities and Support) Act 1925.	Sch. 3 para. 5(b) am. ...	36, s. 3(7).
		S. 1(1) am., 1(3) subst. ...	2, ss. 17(1), 18, sch. 1.

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16 & 17 Geo. 5: c. 28	Mining Industry Act 1926	S. 23 am. S. 24(3) am.	4, s. 3(5), sch. 2. 2, ss. 17(1), 18, sch. 1.
c. 43	Public Health (Smoke Abatement) Act 1926.	Functions applying to Wales (exc. under s. 4 (1)) transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 44	Supreme Court of Judicature of Northern Ireland Act 1926.	S. 1(1) rep.	61, s. 5(3), sch. 3.
c. 52	Small Holdings and Allotments Act 1926.	S. 7(5) rep. in pt. (<i>prosp.</i>) S. 17(1) rep.	75, s. 52(1), sch. 7 Pt. II. 56, s. 39(4), sch. 8 Pt. I.
c. 56	Housing (Rural Workers) Act 1926.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 59	Coroners (Amendment) Act 1926.	S. 6. Pensions increase ... S. 25(2) ext. rep. in pt.	78, s. 1, sch. 1 Pt. II para. 8. 69, s. 7(1). 69, s. 10(3), sch. 2 Pt. II.
17 & 18 Geo. 5: c. 6	Forestry Act 1927 ...	Functions transf'd. (exc. for Wales), to Min. of Land and Natural Resources, (for Wales) to Secy. of State.	S.I. No. 319, arts. 4, 9, 10.
c. 36	Landlord and Tenant Act 1927.	S. 20. Functions transf'd. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1), sch.
18 & 19 Geo. 5: c. 4	Industrial and Provident Societies (Amendment) Act 1928.	Rep.	12, s. 77(1), sch. 5.
c. 19	Agricultural Produce (Grading and Marking) Act 1928.	S. 5 proviso subst. ...	S.I. No. 602, art. 4.
c. 26	Administration of Justice Act 1928.	Ss. 2 rep., 4 rep. in pt., 13, 14(2) rep. S. 15(1) rep. in pt., sch. 1 Pt. I rep. in pt.	2, s. 34(1), sch. 2. 2, s. 36(4), sch. 3.
19 & 20 Geo. 5: c. 8	Appellate Jurisdiction Act 1929.	S. 2 rep. in pt.	61, s. 5(3), sch. 3.
c. 11	Superannuation (Diplomatic Service) Act 1929.	Rep.	74, s. 104(2), sch. 11.
c. 17	Local Government Act 1929.	Functions applying to Wales exc. under ss. 123-126, 138(3) sch. 8 transf'd. to Secy of State. Sch. 10 para. 19 rep. (<i>prosp.</i>).	S.I. No. 319, art. 2, sch. 1. 83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.

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19 & 20 Geo. 5— c. 29 <i>cont.</i>	Government Annuities Act 1929.	S. 21 am. S. 21. Power to am. ... S. 57 am. S. 57. Power to am. ...	32, s. 1(1), sch. 1 Pt. I. 32, s. 6. 32, s. 1(1), sch. 1 Pt. I. 32, s. 6.
20 & 21 Geo. 5:	Land Drainage (Scotland) Act 1930.	S. 8. Functions transf. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 20	Finance Act 1930 ...	S. 40(2) appl. (mod.) ...	25, s. 31(7).
c. 28	Poor Prisoners' Defence Act 1930.	S. 42 expld. (E.) (S.) (meaning of "company").	16, s. 1(6), sch. 1 para. 11.
c. 32	Housing Act 1930 ...	S. 2 appl.	45, s. 2(4), sch. para. 4.
c. 39	Road Traffic Act 1930 ...	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 43	Land Drainage Act 1930	Appl. (mod.) Power to excl.	16, s. 12(2). 16, s. 12(3).
c. 44	Criminal Appeal (Northern Ireland) Act 1930.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 45	Reservoirs (Safety Provisions) Act 1930.	S. 41(7). Functions transf. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 51	Ancient Monuments Act 1931.	S. 46(4) expld. S. 61(1)(f) added ...	63, s. 2(5), sch. para. 1. 16, s. 19(2).
c. 45	Local Authorities (Publicity) Act 1931.	S. 77. Functions transf. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 51	Finance Act 1931 ...	S. 77(3) rep. and superseded.	S.I. No. 145, art. 3(5), sch. 2.
c. 45	Architects (Registration) Act 1931.	S. 15(2) rep. in pt. ...	2, s. 32.
c. 51	Agricultural Land (Utilisation) Act 1931.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
21 & 22 Geo. 5:	Ancient Monuments Act 1931.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 16	Local Authorities (Publicity) Act 1931.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 17	Finance Act 1931 ...	S. 40 ext.	25, s. 32(1)(3).
c. 28	Architects (Registration) Act 1931.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 33	Agricultural Land (Utilisation) Act 1931.	Pt. II. Functions as to allotments transf. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2, 3(1).
c. 41	Ancient Monuments Act 1931.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.

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22 & 23 Geo. 5: c. 9	Merchant Shipping (Safety and Load Line Conventions) Act 1932.	Functions transfd. to Bd. of Trade. S. 42 ext. (<i>prosp.</i>) ... S. 43(1)(c) am. (<i>prosp.</i>) ...	S.I. No. 145, arts. 2, 3, sch. 1. 47, s. 2. 47, s. 7(1), sch. 1.
c. 11	Northern Ireland (Miscellaneous Provisions) Act 1932.	S. 9. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 25	Finance Act 1932 ...	S.29. Pensions increase	78, s. 1, sch. 1 Pt. I para. 9.
c. 36	Carriage by Air Act 1932	Saved	57, s. 12(4)(b).
c. 38	Hire Purchase and Small Debt (Scotland) Act 1932.	S. 11 rep. in pt. ...	67, ss. 55, sch. 6.
23 & 24 Geo. 5: c. 13	Foreign Judgments (Reciprocal Enforcement) Act 1933.	Pt. I appl. (mod.) (<i>prosp.</i>) ext.	37, ss. 4, 11(2). 57, s. 17(4).
c. 25	Pharmacy and Poisons Act 1933.	S. 4(1)(a)(ii), (2)(3) excl. Appl.	57, s. 17(4). 15, s. 11(3).
c. 32	Rent and Mortgage Interest Restrictions (Amendment) Act 1933.	Functions applying to Wales transfd. to Secy. of State. S. 1 mod.	S.I. No. 319, arts. 2, 9, 10, sch. 1. 75, s. 1(6), sch. 1 Pt. I para. 2.
		S. 4(2)(3) excl.	75, s. 1(6), sch. 1 Pt. II para. 10 (1).
		S. 4(4) mod.	75, s. 1(6), sch. 1 Pt. II para. 10 (2).
		Ss. 10, 11 expld. ...	75, s. 51, sch. 6 para. 3.
		S. 16 mod.	75, s. 1(6), sch. 1 Pt. II para. 11.
		Sch. 1 para. (d) mod. ...	75, s. 1(6), sch. 1 Pt. II para. 12 (1).
		Sch. 1 para. (e) excl. ...	75, s. 1(6), sch. 1 Pt. II para. 12 (2).
		Sch. 1 para. (h) mod. ...	75, s. 1(6), sch. 1 Pt. II para. 12 (3).
c. 41	Administration of Justice (Scotland) Act 1933.	S. 20 rep.	39, s. 1(4).
c. 45	Sea-Fishing Industry Act 1933.	Ss. 1, 2. Functions transfd. to Bd. of Trade. S. 9(2) rep. and superseded.	S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 145, art. 3(5), sch. 2.
c. 51	Local Government Act 1933.	Functions applying to Wales (exc. under ss. 235-267, sch. 4) transfd. (saving) to Secy. of State. S. 59(1)(a) mod. (G.L.C.) S. 122 mod. (G.L.C.) ...	S.I. No. 319, art. 2, sch. 1. xx, s. 7, para. (3). xx, s. 7, para. (5).

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23 & 24 Geo. 5: c. 51— <i>cont.</i>	Local Government Act 1933— <i>cont.</i>	S. 176 am. S. 197 appl. S. 197(2) am. S. 207 expld. and ext. ... am. (London) S. 250(2)—(10) ext. and expld. (London). S. 250(10) am. (London) S. 287A mod. (London) S. 290(2)—(5) appl.(mod.)	56, s. 38(1)(2), sch. 6. 63, s. 2(2)(a). 63, s. 2(5), sch. para. 8. 63, s. 2(5), sch. para. 9. S.I. No. 654, art. 3(7)(a). S.I. No. 654, art. 3(7)(b). S.I. No. 654, art. 3(7)(c). S.I. No. 654, art. 3(8). 16, s. 22. 24, s. 3(6). 59, s. 50(2).
24 & 25 Geo. 5: c. 18	Illegal Trawling (Scotland) Act 1934.	S. 1(6). Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 19	Registration of Births, Deaths and Marriages (Scotland) Amendment Act 1934.	Rep.	49, s. 58(2), sch. 2.
c. 36	Petroleum (Production) Act 1934.	S. 4 proviso subst. ...	36, s. 1(9), sch. 1 para. 11(1).
c. 43	National Maritime Museum Act 1934.	Ss. 2(3), 4, 6 am. (transfer of functions from Treasury to Secretary of State for Educ. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
c. 49	Whaling Industry (Regulation) Act 1934.	Functions transfd. to Bd. of Trade.	S.I. No. 145, art. 2, sch. 1.
c. 53	County Courts Act 1934	S. 14(2) rep. and superseded.	S.I. No. 145, art. 3(5), sch. 2.
		S. 9. Pensions increase	78, s. 1, sch. 1 Pt. I para. 16.
		S. 21 am.	10, s. 5, sch. 2 para. 26(1)(2).
		S. 21(3) rep. in pt. ...	10, s. 9(5), sch. 4 Pt. II.
25 & 26 Geo. 5: c. 2	Supreme Court of Judicature (Amendment) Act 1935.	S. 2(3) rep.	2, s. 34(1), sch. 2.
c. 23	Superannuation Act 1935	Ss. 1-4, 6-8, 12, 13, 16 rep., 17 and 18(1) rep. in pt.	74, s. 104(2), sch. 11.
c. 30	Law Reform (Married Women and Tortfeasors) Act 1935.	S. 6(1)(c) excl. (<i>prosp.</i>) ...	37, s. 5.
c. 35	Teachers (Superannuation) Act 1935.	Rep. (E.) (<i>prosp.</i>) ...	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 47	Restriction of Ribbon Development Act 1935.	Functions applying to Wales (exc. under s. 17(8)) transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.

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26 Geo. 5 & 1 Geo. 6: c. 2	Government of India Act 1935.	S. 273 am. and expld. (functions transfd. to Min. of Overseas Development).	S.I. No. 1528.
c. 15	Civil List Act 1936 ...	S. 282(1) excl.	74, s. 92.
c. 34	Finance Act 1936 ...	S. 9 rep.	58, s. 9(1), sch. 2.
c. 49	Public Health Act 1936...	S. 32 rep.	2, s. 36(4), sch. 3.
		Functions applying to Wales (exc. under s. 291(3)) transfd. (saving) to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		Power to apply (mod.)...	59, s. 34(3).
		S. 6 appl.	59, s. 33.
		Ss. 6(4), 9(2) appl. (mod.)	59, s. 40(5).
		S. 15 appl.	59, s. 34(1).
		Ss. 39(3), 71 ext....	16, s. 19(3).
		S. 75(3) mod.	S.I. No. 654, art. 3(9).
		S. 87(1). Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
		S. 143 appl. (mod.) ...	16, s. 13(4).
		S. 203 expld.	42, s. 1(1).
		S. 203(2) am.	42, s. 1(2).
		Ss. 260-265 restr. ...	S.I. No. 654 art. 3(10).
		S. 310(3) expld. ...	63, s. 2(2)(b).
		Ss. 330, 333 ext....	16, s. 19(4).
		S. 340. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		S. 340 rep. in pt. and superseded.	S.I. No. 145, art. 3(5).
1 Edw. 8 & 1 Geo. 6: c. 5	Trunk Roads Act 1936...	Ss. 3, 6(5). Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319 arts. 3, 9, 10, sch. 2.
c. 6	Public Order Act 1936 ...	S. 5 subst.	73, s. 7.
c. 12	Firearms Act 1937 ...	Ss. 1(2), 2(10), 4(13) am.	44, s. 7, sch. 2.
		S. 7 am.	44, ss. 7, 9(2), sch. 2.
		S. 8 ext.	44, s. 8(1)-(3).
		am.	44, s. 9(2).
		S. 8(5) ext.	44, s. 8(4).
		expld.	44, s. 8(5).
		S. 8(6) am.	44, s. 7, sch. 2.
		S. 9 am.	44, s. 9(2).
		S. 9(4) expld.	44, s. 8(5).
		S. 10 am.	44, s. 9(2).
		S. 10(4) appl.	44, s. 8(5).
		S. 10(5) am.	44, s. 7, sch. 2.
		S. 11 am.	44, s. 7, sch. 2.
		S. 12 am.	44, s. 9(2).
		S. 12(1)(2). Power to excl.	44, s. 9(2).
		S. 12(4) am.	44, s. 7, sch. 2.

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1 Edw. 8 & 1 Geo. 6: c. 12— <i>cont.</i>	Firearms Act 1937— <i>cont.</i>	S. 13 am. S. 16(1)(a) am. S. 17 ext. S. 17(2)(4) am. S. 19 am. S. 21 ext. am. S. 21(1) subst. S. 21(2)(a) subst. S. 23(2) am. (S.) S. 23(7) am. S. 24 ext. and am. S. 24(1) am. am. (S.)	44, s. 9(2). 44, s. 9(1). 44, s. 5(4)(5). 44, s. 7, sch. 2. 44, s. 7, sch. 2. 44, s. 7, sch. 2. 44, s. 7, sch. 2. 44, s. 9(3). 44, s. 9(4). 44, s. 6(2). 44, s. 6(1). 44, s. 5(4)(5). 44, s. 9(1)(5). 44, s. 1, sch. 1 paras. 2, 3.
c. 28	Harbours, Piers and Ferries (Scotland) Act 1937.	S. 25 ext. S. 25(1) am. Ss. 5(4)(6), 9(b)(d), 11(3), 20(1), 26–28, sch. 2 para. 2. Functions transf'd. to Bd. of Trade.	44, s. 5(6). 44, s. 9(6). S.I. No. 145, arts. 2, 3, sch. 1.
c. 37	Children and Young Persons (Scotland) Act 1937.	S. 26 in pt. rep. and superseded. S. 57(1) subst. (temp.) ...	S.I. No. 145, art. 3(5), sch. 2. 71, ss. 1(5), 4.
c. 38	Ministers of the Crown Act 1937.	Rep.	58, s. 9(1), sch. 2.
c. 40	Public Health (Drainage of Trade Premises) Act 1937.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 46	Physical Training and Recreation Act 1937.	Power to apply (mod.) ... Functions applying to Wales transf'd. to Secy. of State. Ss. 4(3), 9 am. ...	59, s. 34(3). S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 47	Teachers (Superannuation) Act 1937.	Rep. (E.) (<i>prosp.</i>) ...	S.I. No. 602, art. 5. 83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 54	Finance Act 1937 ...	S. 2(2) am. Pt. III (ss. 19–25) rep. (saving). S. 31(3) ext. Schs. 4, 5 rep. (saving) ...	83, s. 4(1). 25, s. 97(5), sch. 22 Pt. V. 25, s. 32(2)(3). 25, s. 97(5), sch. 22 Pt. V.
c. 68	Local Government Superannuation Act 1937.	Appl. (mod.) Expld. Ss. 6, 10 mod. S. 12 mod. S. 12(3). Pensions increase. Ss. 21, 36 mod. S. 36(1)(2)(5) ext. Sch. 1 Pt. I expld. (<i>prosp.</i>)	17, s. 10(1). 17, s. 10(5)(9). S.I. No. 570. S.I. No. 570. 78, s. 1, sch. 1 Pt. II para. 1. S.I. No. 570. 17, s. 10(6). 75, s. 22(4).

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1 Edw. 8 & 1 Geo. 6— <i>cont.</i> c. 69	Local Government Superannuation (Scotland) Act 1937.	Appl. (mod.) Expld. S. 5 saved S. 12(3). Pensions increase. Sch. 1 Pt. 1 expld. (<i>prosp.</i>)	17, s. 10(1). 17, s. 10(5)(9). 49, s. 7(6). 78, s. 1, sch. 1 Pt. II para. 1. 75, s. 24(4).
1 & 2 Geo. 6: c. 12	Population (Statistics) Act 1938.	Saved (S.) S. 6(<i>d</i>) rep.	49, s. 57(5). 49, s. 58(2), sch. 2.
c. 13	Superannuation (Various Services) Act 1938.	S. 2 am. S. 2. Power to am. ... Sch. Pt. I rep. so far as relating to s. 2(1) of the Development and Road Improvement Funds Act 1910 (c. 7).	32, s. 1(1), sch. 1 Pt. I. 32, s. 6. 10, s. 9(5), sch. 4 Pt. II.
c. 26	Increase of Rent and Mortgage Interest (Restrictions) Act 1938.	Excl. (mortgages) S. 7(5) mod.	75, s. 1(6), sch. 1 Pt II para. 13. 75, s. 1(6), sch. 1 Pt. II para. 14.
c. 35	Housing (Rural Workers) Amendment Act 1938.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 45	Inheritance (Family Provision) Act 1938.	S. 3 ext.	72, s. 28(3).
c. 46	Finance Act 1938 ...	Ss. 42(4)–(6), 43, sch. 4 Pt. II rep.	25, s. 97(5), sch. 22 Pt. V.
c. 48	Criminal Procedure (Scotland) Act 1938.	S. 12 rep.	39, s. 1(4).
c. 52	Coal Act 1938	S. 17 mod. S. 39 expld.	36, s. 13(8). 2, s. 17(2).
c. 53	Hire-Purchase Act 1938	Rep. (E.)... ..	66, s. 59, sch. 6.
c. 54	Architects Registration Act 1938.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 55	Registration of Still-Births (Scotland) Act 1938.	Rep.	49, s. 58(2), sch. 2.
c. 63	Administration of Justice (Miscellaneous Provisions) Act 1938.	S. 11(5) ext.	69, s. 6(2).
2 & 3 Geo. 6: c. 20	Reorganisation of Offices (Scotland) Act 1939.	S. 4 rep.	49, s. 58(2), sch. 2.
c. 21	Limitation Act 1939 ...	Pt. I ext. S. 2 excl. S. 27(3)–(5) appl. (<i>prosp.</i>)	59, s. 16(1), sch. 7 para. 14(2). 12, s. 66(2). 37, s. 7(2)(a).
c. 31	Civil Defence Act 1939...	Ss. 8, 59. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.

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2 & 3 Geo. 6— <i>cont.</i>			
c. 34 ...	Marriage (Scotland) Act 1939.	S. 1(5) rep. ...	49, s. 58(2), sch. 2.
		S. 1(6) am. ...	49, s. 58(1), sch. 1 para. 3.
		S. 7 am. ...	49, s. 58(1), sch. 1 para. 4.
c. 38 ...	Ministry of Supply Act 1939.	Sch. 1 subst. ... S. 1(3) rep. ...	S.I. No. 1843. 11, s. 20(3), sch. 5.
c. 41 ...	Finance Act 1939 ...	S. 19 para. (a) am. ... S. 36 rep. (saving) ...	4, s. 3 (5), sch. 2. 25, s. 97(5), sch. 22 Pt. V.
c. 49 ...	House of Commons Members' Fund Act 1939.	Superseded in pt. (<i>retrosp.</i>)	11, ss. 4(3), 21(3)(a), sch. 2.
c. 70 ...	Ships and Aircraft (Transfer Restriction) Act 1939.	Sch. 1 paras. 1, 2, 2A am. Functions transfd. to Bd. of Trade.	S.I. No. 718. S.I. No. 145, arts. 2, 3, sch. 1.
c. 71 ...	Rent and Mortgage Interest Restrictions Act 1939.	S. 9(2) rep. and superseded.	S.I. No. 145, art. 3(5), sch. 2.
		S. 3(3) mod. ...	75, s. 1(6), sch. 1 Pt. I para. 3.
		Ss. 4, 6 excl. ...	75, s. 1(6), sch. 1 Pt. II para. 15.
c. 73 ...	Housing (Emergency Powers) Act 1939.	Functions applying to Wales transfd. (saving) to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 83 ...	Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939.	Ss. 6, 7. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		S. 9 rep. and superseded	S.I. No. 145, art. 3(5), sch. 2.
c. 94 ...	Local Government Staffs (War Service) Act 1939.	Pensions increase ...	78, s. 1, sch. 1. Pt. II para. 1.
c. 95 ...	Teachers Superannuation (War Service) Act 1939.	Rep. (E.) (<i>prosp.</i>) ...	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 96 ...	Education (Scotland) (War Service Superannuation) Act 1939.	Pensions increase ...	78, s. 1, sch. 1 Pt. I para. 5.
c. 102 ...	Liability for War Damage (Miscellaneous Provisions) Act 1939.	S. 1(3) am. (E) ... S. 6 para. (b) subst. ...	66, s. 59, sch. 5. 67, s. 55, sch. 5.
c. 117 ...	National Loans Act 1939	Appl. ...	65, s. 1(2). 16, s. 6(4).
		Appl. (E.) (S.) ...	62, s. 35(3).
		Appl. (E.) ...	59, s. 44(2).
3 & 4 Geo. 6:			
c. 19 ...	Societies (Miscellaneous Provisions) Act 1940.	Ss. 8(1) rep. in pt., 10(1) rep. in pt.	12, s. 77(1), sch. 5.
c. 29 ...	Finance Act 1940 ...	S. 40(2) rep. (saving) ...	25, s. 97(5), sch. 22 Pt. V.
		Pt. IV (ss. 43-59) ext. ...	25, s. 88(2).
		S. 49 rep. (saving) ...	25, ss. 88(1), 97(5), sch. 22 Pt. IV.
		S. 58(1) saved ...	25, s. 88(5).
		Sch. 7 para. 4(1) am. ...	25, s. 88(3).

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3 & 4 Geo. 6— <i>cont.</i>			
c. 42	Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	S. 3(2) excl. (<i>prosp.</i>) ... S. 4(2) am. S. 4(3) rep.	37, s. 5. 67, s. 55 sch. 5. 67, s. 55 sch. 6.
c. 48	Finance (No. 2) Act 1940	Ss. 14(1) rep. in pt., 15 rep. in pt. (saving).	25, s. 97(5), sch. 22 Pt. V.
4 & 5 Geo. 6:			
c. 30	Finance Act 1941 ...	S. 43 rep. (saving) ...	25, s. 97(5), sch. 22 Pt. V.
c. 34	Repair of War Damage Act 1941.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319 art. 2, sch. 1.
c. 42	Pharmacy and Medicines Act 1941.	Appl.	15, s. 11(3).
5 & 6 Geo. 6:			
c. 21	Finance Act 1942 ...	Ss. 36 rep. (saving), 38 rep. in pt. (saving), sch. 9 rep. (saving).	25, s. 97(5), sch. 22 Pt. V.
c. 23	Minister of Works Act 1942.	S. 3(1) am. S. 3(2) rep.	11, s. 20(1), sch. 4. 11, s. 20(3), sch. 5.
c. 32	Housing (Rural Workers) Act 1942.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 35	Greenwich Hospital Act 1942.	S. 2 am. S. 2. Power to am. ...	32, s. 1(1), sch. 1 Pt. I. 32, s. 6.
6 & 7 Geo. 6:			
c. 5	Minister of Town and Country Planning Act 1943.	S. 3(1) rep. S. 3(2) am. S. 9 rep. so far as relating to salary of Min. of Housing and Local Government.	11, s. 20(3), sch. 5. 11, s. 20(1), sch. 4. 58, s. 9(1), sch. 2.
c. 21	War Damage Act 1943	S. 33(1) am. (E. and W.), 33(2) subst.	2, ss. 17(1), 18, sch. 1.
c. 35	Foreign Service Act 1943	Rep.	74, s. 104(2), sch. 11.
c. 44	Rent of Furnished Houses Control (Scotland) Act 1943.	Restr. Power to restr. S. 7(2) am. S. 10(2) rep.	75, ss. 39(2)(a), (5), (11), (12), 40(3). 75, s. 39(2)(b), (12). 75, s. 39(9)(12). 75, ss. 39 (1)(2), 52(1), sch. 7 Pt. I.
C.A.M No. 1	New Parishes Measure 1943.	S. 15. Functions transfd. to Min. of Land and Natural Resources. S. 15(2) expld.	S.I. No. 143, arts. 2, 3(1), sch. 2, s. 17(2).

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7 & 8 Geo. 6:			
c. 9	Supreme Court of Judicature (Amendment) Act 1944.	S. 1(2) am.	61, ss. 3, 5(2), sch. 2.
c. 21	Pensions (Increase) Act 1944.	Am. S. 4(4) subst.	78, s. 4. 78, s. 4(3).
c. 23	Finance Act 1944 ...	Ss. 37, 39 rep. (saving)	25, ss. 88(1), 97(5), sch. 22 Pt. IV.
c. 26	Rural Water Supplies and Sewerage Act 1944.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 31	Education Act 1944 ...	S. 1(5) subst. (E.) ...	80, s. 1(1).
c. 36	Housing (Temporary Accommodation) Act 1944.	S. 89 rep.	3, s. 7(6).
c. 36	Housing (Temporary Accommodation) Act 1944.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 46	Minister of National Insurance Act 1944.	S. 3(1)(2) rep., 3(3) rep. in pt.	11, s. 20(3), sch. 5.
c. 47	Town and Country Planning Act 1944.	Rep.	59, s. 56(3), sch. 12.
8 & 9 Geo. 6:			
c. 14	Teachers (Superannuation) Act 1945.	Ss. 1—6, 8, 9, 11(1)—(5), 12, 13, 14(2), schs. 1, 2 exc. so far as amdg. ss. 9 and 10 of the Teachers (Superannuation) Act 1925 all rep. (<i>prosp.</i>)	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 19	Ministry of Fuel and Power Act 1945.	S. 3(2) rep. in pt. ...	11, s. 20(3), sch. 5.
c. 19	Ministry of Fuel and Power Act 1945.	S. 3(3) am.	11, s. 20(1), sch. 4.
c. 19	Ministry of Fuel and Power Act 1945.	rep. so far as relating to salary of Min. of Power.	58, s. 9(1), sch. 2.
c. 19	Ministry of Fuel and Power Act 1945.	S. 7(1) rep., sch. 2. rep. Saved	58, s. 9(1), sch. 2. 36, s. 14(3).
c. 28	Law Reform (Contributory Negligence) Act 1945.	S. 13(7) am. so far as defining "statutory undertakers" and "statutory undertaking".	16, s. 19(1).
c. 33	Town and Country Planning (Scotland) Act 1945.	Ss. 24—26. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 33	Town and Country Planning (Scotland) Act 1945.	S. 27 appl.	16, s. 17(6)(7).
c. 33	Town and Country Planning (Scotland) Act 1945.	S. 48, schs. 1—4. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 35	Forestry Act 1945 ...	Functions transfd. (saving) (exc. for Wales), to Min. of Land and Natural Resources; (for Wales) to Secy. of State.	S.I. No. 319, arts. 4, 9, 10.
c. 35	Forestry Act 1945 ...	S. 8(1) rep. in pt. (saving)	10, s. 9(5), sch. 4 Pt. III.
c. 35	Forestry Act 1945 ...	S. 10(2) am.	S.I. No. 319, art. 10, sch. 4.

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8 & 9 Geo. 6— <i>cont.</i>			
c. 39	Housing (Temporary Accommodation) Act 1945.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 41	Family Allowances Act 1945.	Rep.	55, S.L.R.
c. 42	Water Act 1945 ...	Functions applying to Wales (exc. under ss. 1, 2, 14(11), 37(2), 42(1), 51 in pt.) transfd. to Secy. of State.	S.I. No. 319, arts. 5, 9, 10, sch. 3.
		S. 1 subst.	S.I. No. 319, art. 5, sch. 3.
		S. 7 am.	4, s. 3(5), sch. 2.
		Ss. 9, 23 ext.	56, s. 33.
		S. 24(3) subst.	56, s. 38(1)(2), sch. 6.
		S. 24(4) ext.	56, s. 33.
		Sch. 2 para. 1(b) rep. ...	59, s. 56(3), sch. 12.
		Sch. 2 paras. 1 and 2 rep. in pt.	56, s. 39(4), sch. 8 Pt. I.
		Sch. 3 Pt. XIV saved ...	36, s. 15(7).
		Sch. 3, s. 93, ext. ...	16, s. 19(5).
c. 43	Requisitioned Land and War Works Act 1945.	Ss. 26, 52. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319 art. 2, sch. 1.
9 & 10 Geo. 6:			
c. 13	Finance (No. 2) Act 1945	Ss. 35(2) and 36 both rep. in pt. (saving), 37 rep. (saving).	25, s. 97(5), sch. 22 Pt. V.
		S. 60. Pensions increase	78, s. 1, sch. 1 Pt. I para. 9.
		Sch. 5 rep. in pt. (saving)	25, s. 97(5), sch. 22 Pt. V.
c. 15	Public Health (Scotland) Act 1945.	S. 1 appl. (mod.) ...	16, s. 13(4)(5).
c. 17	Police (Overseas Service) Act 1945.	Pensions increase ...	78, s. 1, sch. 1 Pt. I para. 7.
c. 18	Statutory Orders (Special Procedure) Act 1945.	S. 3(1) am.	43, s. 1(1)(2).
		S. 3(3) am.	43, s. 1(1)(2).
		rep. in pt.	43, ss. 1(1)(3), 2(4), sch. 2(4), sch. 43, s. 1(1)(2).
		S. 4(1) am.	43, s. 1(1)(2).
		S. 4(1) proviso rep. ...	43, ss. 1(1)(4), 2(4), sch. 43, s. 1(1)(4).
		S. 4(2) proviso am. ...	S.I. No. 319, art. 2, sch. 1.
		S. 7(3). Functions applying to Wales transfd. to Secy. of State.	43, s. 1(1)(2).
		S. 9 am.	43, s. 1(1)(2).
		S. 10(3), so far as setting out s. 4(1) in its application to Scotland, am.	43, s. 1(1)(2).

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9 & 10 Geo. 6: c. 18— <i>cont.</i>	Statutory Orders (Special Procedure) Act 1945— <i>cont.</i>	Sch. 2 rep. so far as relating to the Town and Country Planning Act 1944 (c. 47).	59, s. 56(3), sch. 12.
c. 20 ...	Building Materials and Housing Act 1945.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 26 ...	Emergency Laws (Transitional Provisions) Act 1946.	S. 15, sch. 2. Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 31 ...	Ministers of the Crown Act 1946.	S. 7 rep. ...	11, s. 20(3), sch. 5.
c. 34 ...	Furnished Houses (Rent Control) Act 1946.	Functions applying to Wales (exc. under s. 8 and sch. paras. 3 and 4) transf'd. to Secy. of State. Restr. ... Power to restr. ...	S.I. No. 319, arts. 2, 9, 10, sch. 1. 75, s. 39(2)(a), (5), (11). 75, s. 39(2)(b).
c. 35 ...	Building Restrictions (Wartime Contraventions) Act 1946.	Functions applying to Wales transf'd. to Secy. of State.	75, s. 39(3)(10). 75, s. 39(7). 75, s. 39(8). 75, s. 40(1)(2). 75, s. 39(9). 75, ss. 39(1), 52(1), sch. 7 Pt. I.
c. 36 ...	Statutory Instruments Act 1946.	Appl. (S.) ...	S.I. No. 319, arts. 2, 9, 10, sch. 1. 19, s. 10(5), sch. 2 para. 3(3). 49, s. 54(3). 36, s. 23(5).
c. 42 ...	Water (Scotland) Act 1946.	Appl. ... S. 4 am. ... Sch. 4 Pt. VIII saved ... Sch. 4, s. 45 ext. ...	4, s. 3(5), sch. 2. 36, s. 15(7)(11)(d). 16, s. 19(5). S.I. No. 319, art. 2, sch. 1.
c. 48 ...	Housing (Financial and Miscellaneous Provisions) Act 1946.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 49 ...	Acquisition of Land (Authorisation Procedure) Act 1946.	Appl. (mod.) ... Functions applying to Wales transf'd. to Secy. of State. S. 1(3) rep. in pt. ... S. 3(4). Functions transf'd. to Bd. of Trade. S. 6(3) appl. ... S. 8(1) am. ... Sch. 1 Pt. IV appl. (mod.) Sch. 1 para. 10. Functions transf'd. to Bd. of Trade.	16, s. 17(1). 36, s. 12(1), sch. 4 Pt. I paras. 1, 2. S.I. No. 319, art. 2, sch. 1. 56, s. 39(4), sch. 8 Pt. I. S.I. No. 145, arts. 2, 3, sch. 1. 59, s. 48(2). 16, s. 19(1). 36 s. 4(8), sch. 2 para. 11. S.I. No. 145, arts. 2, 3, sch. 1.

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9 & 10 Geo. 6: c. 49— <i>cont.</i>	Acquisition of Land (Authorisation Procedure) Act 1946— <i>cont.</i>	Sch. 1 para. 11. Functions transf'd. to Min. of Land and Natural Resources. Sch. 1 para. 19 appl ... Schs. 2 Pt. I rep. (saving), 4 rep. so far as amending (in pt.) the Land Settlement (Facilities) Act 1919 (c. 59).	S.I. No. 143, arts. 2, 3, sch. 56, s. 30(3). 56, s. 39(4), sch. 8 Pt. I.
c. 55	Ministerial Salaries Act 1946.	Rep.	58, s. 9(1), sch. 2.
c. 59	Coal Industry Nationalisation Act 1946.	S. 26 rep. S. 27(1)–(3) rep.... .. S. 27(4) am. S. 27(9) rep. S. 28(1)(b) subst. S. 29 excl. (<i>temp.</i>) S. 30 ext. S. 34(1) am. S. 37 saved	82, s. 5(3), sch. 2. 82, s. 5(3), sch. 2. 82, s. 1(7), sch. 1. 82, s. 5(3), sch. 2. 82, ss. 1(7), 2(1)(c), sch. 1. 82, s. 2(2). 82, s. 2(3). 82, s. 1(7), sch. 1. 82, s. 4(1).
c. 60	Superannuation Act 1946	Rep. (saving) exc. ss. 6 and 10(2). Restr. Ss. 1–4 rep. S. 5(1)(2) rep. S. 5(3) am. rep. in pt. S. 5(4) am. S. 6(1), (4) rep. (E.) (<i>prosp.</i>) Ss. 6(2)(3), 9(1) rep. S. 10(1) rep. in pt. S. 10(2) rep. (<i>prosp.</i>) Schs. 1, 2 rep.	78, s. 3(6). 10, s. 5, sch. 2 para. 26(3). 74, s. 104(2), sch. 11. 74, s. 104(2), sch. 11. 74, s. 103, sch. 9. 74, s. 104(2), sch. 11. 74, s. 103, sch. 9. 83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II. 74, s. 104(2), sch. 11. 74, s. 104 (2), sch. 11. 83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II. 74, s. 104(2), sch. 11.
c. 62	National Insurance (Industrial Injuries) Act 1946.	Rep. exc. ss. 6, 71, 89, 90 in pt., sch. 9. S. 89(1) proviso (b) ext....	55, S.L.R. 79, s. 4(6), sch. 1 para. 7.
c. 64	Finance Act 1946 ...	S. 44 rep. (saving) S. 52 excl. (E.) (S.) S. 62. Pensions increase	25, s. 97(5), sch. 22 Pt. V. 16, s. 1(6), sch. 2 para. 7. 78, s. 1, sch. 1 Pt. I para. 9.

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9 & 10 Geo. 6: c. 67	National Insurance Act 1946	Rep. exc. ss. 6(4), 55, 68, 70, 74, 79 and sch. 11. Appl. in pt. S. 70 rep. (G.B.) S. 79 paras. (a)-(i), (k) rep. Rep. (E.)... ..	55, S.L.R. 62, ss. 17, 20(1), 28 para. 12. 55, S.L.R. 55, S.L.R.
c. 68	New Towns Act 1946 ...	Rep. (E.)... .. Transfer of functions applying to Wales to Secy. of State.	59, s. 56(3), sch. 12. S.I. No. 319.
c. 75	Public Works Loans (No. 2) Act 1946.	S. 2 appl. and am. (E.) (S.).	63, s. 1(3).
c. 81	National Health Service Act 1946.	Ss. 6, 11(9). Pensions increase. S. 16(1) rep. in pt. Ss. 67, 68. Pensions increase.	78, s. 1, sch. 1 Pt. I para. 10. 4, s. 6(3), sch. 4. 78, s. 1, sch. 1 Pt. I para. 10.
10 & 11 Geo. 6: c. 14	Exchange Control Act 1947.	Sch. 1 paras. 5A added Sch. 1 para. 21A added... Sch. 1 para. 23 subst. Sch. 1 para. 28 am. Sch. 4 para. 3 am. (E.), para. 3(a) expld.	S.I. Nos. 217. S.I. No. 1656. S.I. No. 217. S.I. No. 1941.
c. 21	Forestry Act 1947 ...	Functions transfd. (exc. for Wales), to Min. of Land and Natural Resources; (for Wales) to Secy. of State.	S.I. No. 319 arts. 4, 9, 10.
c. 22	Civic Restaurants Act 1947.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 26	Cotton (Centralised Buying) Act 1947.	S. 5(8). Pensions increase.	78, s. 1, sch. 1, Pt. II para. 12.
c. 27	National Health Service (Scotland) Act 1947.	S. 6. Pensions increase	78, s. 1, sch. 1 Pt. I para. 11.
c. 35	Finance Act 1947 ...	Pt. IV (ss. 30-48) rep. S. 63(2) appl. (mod.) Sch. 8 rep. (saving)	25, s. 97(5), sch. 22 Pt. V. 25, s. 89(5). 25, ss. 81(2)(3), 97(5), sch. 22 Pt. V.
c. 39	Statistics of Trade Act 1947.	S. 1 appl. (Minister of Technology).	4, s. 5(2).
c. 41	Fire Services Act 1947	S. 17(3) ext. Functions applying to Wales transfd. to Secy. of State. S. 8(4) expld. S. 26. Pensions increase.	4, s. 5(2). S.I. No. 319, art. 2, sch. 1. 63, s. 2(2)(b). 78, s. 1, sch. 1 Pt. II para. 4.
c. 42	Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.	S. 36(10) expld. Appl. (mod.)	63, s. 2(2)(b). 16, s. 17(1)(5)(7). 36, s. 12(1), sch. 4 paras. 1-3. 46, s. 4(2).

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10 & 11 Geo. 6: c. 42— <i>cont.</i>	Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947— <i>cont.</i>	S. 3(4). Functions transf. to Bd. of Trade. S. 7(1) am. Sch. 1 Pt. IV appl. (mod.) Sch. 1 para. 10. Functions transf. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1. 16, s. 19(1). 36, s. 4(8), sch. 2 paras. 11, 17. S.I. No. 145, arts. 2, 3, sch. 1.
c. 43	Local Government (Scotland) Act 1947.	S. 119 appl. S. 261 appl. S. 268 appl. (mod.) S. 330(1)(2) am. S. 355(2)–(9) appl. (mod.)	49, s. 9(2). 63, s. 2(2)(a). 63, s. 2(5), sch. para. 10. 41, s. 1. 16, s. 22. 49, s. 6(4).
c. 44	Crown Proceedings Act 1947.	S. 5(5). Functions transf. to Bd. of Trade. S. 5(5)(a) am. (<i>prosp.</i>) in applic. to N.I.	S.I. No. 145, arts. 2, 3, sch. 1. 47, ss. 5(2), 7(1), sch. 1.
c. 48	Agriculture Act 1947 ...	S. 60. Functions applying to Wales transf. to Secy. of State. S. 90. Functions transf. (exc. for Wales) to Min. of Land and Natural Resources, and for Wales to Secy. of State. S. 92(2)(b) am.	S.I. No. 319, art. 2, sch. 1. S.I. No. 319, arts. 4, 9, 10. 56, s. 39(3), sch. 7.
c. 51	Town and Country Planning Act 1947.	S. 46 rep., sch. 8 rep. so far as relating to the New Towns Act 1946 (c. 68).	59, s. 56(3), sch. 12.
c. 53	Town and Country Planning (Scotland) Act 1947.	S. 11. Power to apply (mod.). S. 12(4) mod. S. 13 appl. S. 32 expld. Ss. 34(2), 34(3)(c), 42(4). Functions transf. to Bd. of Trade. S. 83(2)(b) expld. S. 83(6) appl. S. 95(3) expld. S. 113(1) am. Sch. 5. Functions transf. to Bd. of Trade.	36, ss. 8, 9, sch. 3 para. 7. 33, s. 19(4)(5). 46, s. 14(2). 36, s. 4(7). S.I. No. 145, arts. 2, 3, sch. 1. 33, s. 25(5). 46, s. 16. 63, s. 2(2)(b). 16, s. 19(1). S.I. No. 145, arts. 2, 3, sch. 1.
c. 54	Electricity Act 1947 ...	Ss. 15(3), 22. Functions applying to Wales transf. to Secy. of State. S. 54(6) rep.	S.I. No. 319, art. 2, sch. 1. 55, S.L.R.

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11 & 12 Geo. 6: c. 22	Water Act 1948 ...	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 5, 9, 10, sch. 3.
c. 24	Police Pensions Act 1948	Sch. paras. 1 rep. in pt., 8(2) rep. Pensions increase ...	56, s. 39(4), sch. 8 Pt. I. 78, s. 1, sch. 1 Pts. I para. 7, II para. 3.
c. 26	Local Government Act 1948.	Transfer of functions applying to Wales.	S.I. No. 319.
c. 29	National Assistance Act 1948.	S. 13 saved ...	51, s. 81(9). 52, s. 54(10). 53, s. 8(1).
c. 33	Superannuation (Miscellaneous Provisions) Act 1948.	S. 14 saved ...	51, s. 81(9). 53, s. 8(1).
		Expld.	17, s. 10 (5)(9). 74, s. 36(4).
		S. 1(1) rep. in pt., 1(2) rep., 1(3) rep. in pt., 1(4) rep.	74, s. 104(2), sch. 11.
		S. 2 ext. (<i>retrosp.</i>) ...	11, ss. 13(6), 19(2), 21(3)(a).
		S. 3 rep. (saving) ...	74, s. 104(1)(2), schs. 10 para. 2(3), 11.
		S. 3. Pensions increase	78, s. 1, sch. 1 Pt. I para. 12.
		S. 4 rep.	74, s. 104(2), sch. 11.
		Ss. 8-12 rep. (E.) (<i>prosp.</i>)	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		S. 17(1) rep. in pt. ...	74, s. 104(2), sch. 11.
		Sch. Pt. II rep. (E.) (<i>prosp.</i>)	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 37	Radioactive Substances Act 1948.	S. 6(2)(3) rep. and superseded, 6(4) proviso in pt. rep. and superseded.	4, ss. 5(3), 6(3), sch. 4.
c. 38	Companies Act 1948 ...	Pt. V appl. (mod.) ...	12, s. 55.
		Ss. 166, 167, 175 appl. ...	50, ss. 3(8), 11(2).
		S. 319 ext. (E.) (S.) ...	51, s. 61(1).
		S. 319(1)(e). Power to apply.	52, ss. 83(4)(a) (iii), 84(2)(c).
		S. 351(3) rep. (<i>retrosp.</i>)	10, s. 9(5), sch. 4 Pt. I.
c. 39	Industrial and Friendly Societies Act 1948.	S. 362 am. S. 18(3) rep. Ss. 19(5), 20(1)(2), 21 all rep. in pt.	S.I. No. 923. 32, s. 7(6), sch. 4. 12, s. 77(1), sch. 5.
c. 41	Fire Services Act 1947 ...	S. 26. Pensions increase	78, s. 1, sch. 1 Pt. I para. 8.
c. 42	National Insurance (Industrial Injuries) Act 1948.	Rep.	55, S.L.R.
c. 43	Children Act 1948 ...	Pt. II appl. (mod.) (E.) S. 39(1) am. (E.) ...	72, s. 36(1)(5). 72, s. 37(3).

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11 & 12 Geo. 6: c. 43— <i>cont.</i>	Children Act 1948— <i>cont.</i>	S. 52 rep. S. 56. Functions applying to Wales transfd. to Secy. of State.	55, S.L.R. S.I. No. 319, art. 2, sch. 1.
c. 44	Merchant Shipping Act 1948.	Functions transfd. to Bd. of Trade. Ss. 1(3) proviso, 4(1)(2) rep. (<i>prosp.</i>).	S.I. No. 145, arts. 2, 3, sch. 1. 47, s. 7(2), sch. 2.
c. 47	Agricultural Wages Act 1948.	S. 18 subst.	S.I. No. 654, art. 3(12).
c. 49	Finance Act 1948 ...	S. 71 appl. (mod.) ... S. 79 rep. (saving) ...	25, s. 89(5). 25, s. 97(5), sch. 22, Pt. V.
c. 56	British Nationality Act 1948.	S. 2(1) ext. S. 6 ext. S. 8 ext. S. 9 ext. S. 12(6) mod. (S. Rhodesia). S. 13 ext. S. 16 ext. Ss. 20(6)(7), 22 ext. ... Ss. 26-30, 32, 33 appl. ... S. 12(1) excl.	34, ss. 1(1)(2), 2, 3(1)(2). 34, s. 2(3). 34, ss. 1(5), 2(3). 34, s. 2(3). S.I. No. 1957. 34, ss. 1(1)(2), 2, 3(1)(2). 34, ss. 1(1)(2), 2, 3(1)(2). 34, s. 3(3). 34, s. 5(2). 52, s. 69(5).
c. 58	Criminal Justice Act 1948	Am. and expld. (functions transfd. to Min. of Technology).	S.I. No. 125, arts. 2(1)(3), 3.
c. 60	Development of Inventions Act 1948.	S. 1 restr. S. 1(1)(a) ext. S. 1(3) expld. S. 2(1) am. S. 3 expld. rep. in pt. S. 4(1) expld. S. 4(4) am. S. 5 rep. and superseded S. 7(1) rep. in pt. S. 7(2) am. S. 8(1)(b) saved appl. ext. (<i>retrosp.</i>)... .. S. 8(2) rep. in pt. S. 10(1) am. rep. in pt. S. 10(3) am. S. 10(5) rep. S. 11 rep. and superseded (1.4.1966). S. 12(1) rep. in pt. (1.4.1966). S. 12(2) rep. and superseded (<i>prosp.</i>).	21, s. 4(3). 21, s. 4(4). 21, s. 7(3). 21, s. 6(1). 21, s. 5(1). 21, s. 10(2), sch. 21, s. 7(1). 21, s. 2(7). 21, ss. 4(5), 10(2), sch. 21, ss. 1(2), 10(2), sch. 21, ss. 1(1), 2(4). 21, s. 2(3). 21, s. 2(5). 21, s. 3. 21, s. 10(2) sch. 21, s. 1(5). 21, ss. 1(8), 10(2), sch. 21, s. 7(2). 21, s. 10(2), sch. 21, ss. 1(3), 10(2), sch. 21, ss. 1(4), 10(2), sch. 21, ss. 1(6), 10(2), sch.

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11 & 12 Geo. 6: c. 60— <i>cont.</i>	Development of Inventions Act 1948— <i>cont.</i>	S. 12(3) rep. (<i>prosp.</i>) ... S. 13 rep.	21, s. 10(2), sch. S.I. No. 125, art. 4(3).
c. 66	Monopolies and Restrictive Practices (Inquiry and Control) Act 1948.	Sch. para. 3(1)(b) rep. in pt. Am. Saved S. 1 rep. and superseded S. 2 ext. S. 2(1)(b) ext. S. 3(3) ext. appl. (mod.) S. 4 rep. and superseded Ss. 7-9 appl. (mod.) S. 8 ext. S. 8(3) ext. S. 10 saved S. 10(1) ext. S. 10(1)(e) rep. in pt. S. 10(1)(e)(ii) rep. S. 10(2) rep. and superseded. S. 10(3)-(6) ext. S. 10(7) rep. S. 11 ext. S. 12 appl. (mod.) S. 15 rep. Ss. 16, 17 ext. S. 19(1) rep. in pt. S. 19(2) ext. S. 20(1) rep. so far as defining "a competent authority". S. 20(3) ext. appl. (mod.) rep. in pt. S. 21(1) ext. S. 21(2) rep. Ext. S. 1(4) expld. S. 2(2) saved S. 2(5) expld. S. 2(6) am. S. 4(1) am. S. 4(2) am., 4(3) added	21, s. 10(2), sch. 4(3). 21, s. 10(2), sch. 4(3). 50, ss. 2(2), 3(1). 50, s. 5(2). 50, ss. 1(1), 11(5), schs. 1, 3. 50, s. 1(3). 50, s. 2(1). 50, s. 2(5)(b). 50, s. 6(5). 50, ss. 2(3), 11(5), sch. 3. 50, ss. 6(5), 8(4). 50, s. 1, sch. 1, para. 9(4). 50, s. 1(4). 50, s. 3(12). 50, s. 1, sch. 1, para. 9(3). 50, s. 11(5), sch. 3. 50, ss. 3(2), 11(5), sch. 3. 50, ss. 3(1)(3), 11(5), sch. 3. 50, s. 3(1). 50, s. 11(5), sch. 3. 50, s. 3(1). 50, s. 6(3). 50, ss. 5(2), 11(5), sch. 3. 50, s. 11(3). 50, s. 11(5), sch. 3. 50, s. 11(3). 50, s. 11(5), sch. 3. 50, s. 2(3). 50, s. 6(3). 50, s. 11(5), sch. 3. 50, s. 11(3). 50, s. 11(3)(5), sch. 3. 36, ss. 1(1), 30(2). 36, s. 30(1). 36, s. 1(2). 36, s. 30(1). 36, s. 1(9), sch. 1 para. 1. 36, s. 1(9), sch. 1 para. 2(1). 36, s.1(9), sch. 1 para. 2.
c. 67	Gas Act 1948		

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11 & 12 Geo. 6: c. 67— <i>cont.</i>	Gas Act 1948— <i>cont.</i>	<p>S. 5(4) am.</p> <p>S. 5(8)(a) am.</p> <p>S. 11 ext.</p> <p> saved</p> <p>Ss. 18, 19, 28, 37. Functions applying to Wales transfd. to Secy of State.</p> <p>S. 42(3) am.</p> <p> ext.</p> <p>S. 46(2) am.</p> <p>S. 47(1)(2) am.</p> <p>S. 48(1) restr.</p> <p>S. 52 excl.</p> <p> expld.</p> <p> mod.</p> <p>S. 55 ext. and expld.</p> <p>S. 58(6) rep.</p> <p>S. 68(1) ext.</p> <p>S. 69(1) ext.</p> <p>S. 70 ext.</p> <p>S. 71(3) restr.</p> <p>S. 73 ext.</p> <p>Sch. 3 appl. (mod.) (Gas Council).</p> <p>Sch. 3 para. 32 mod. ...</p> <p>Sch. 3 para. 44. Functions transfd. to Bd. of Trade.</p>	<p>36, s. 2.</p> <p>36, s. 1(9), sch. 1 para. 3.</p> <p>36, ss. 1(9), 12(1), 13(1)–(3), sch. 1 para. 4.</p> <p>36, s. 13(10).</p> <p>S.I. No. 319, art. 2, sch. 1.</p> <p>60, s. 1(1).</p> <p>60, s. 1(2).</p> <p>36, s. 1(9), sch. 1 para. 5.</p> <p>36, s. 1(9), sch. 1 para. 6.</p> <p>36, s. 1(9), sch. 1 para. 7.</p> <p>36, s. 1(3).</p> <p>36, ss. 1(9), sch. 1 para. 8.</p> <p>36, s. 29.</p> <p>36, s. 1(9), sch. 1 para. 9.</p> <p>55, S.L.R.</p> <p>36, s. 21(1).</p> <p>36, s. 21(2).</p> <p>36, s. 22(1).</p> <p>60, s. 1(2).</p> <p>36, s. 22(2).</p> <p>36, s. 1(9), sch. 1 para. 10.</p> <p>13, ss. 2(2), 4(1).</p> <p>S.I. No. 145, arts. 2, 3, sch. 1.</p>
12, 13 & 14 Geo. 6: c. 4	Judges Pensions (India and Burma) Act 1948.	Pensions increase ...	78, s. 1, sch. 1 Pt. I para. 20. S.I. No. 1528.
c. 10	Administration of Justice (Scotland) Act 1948.	Am. and expld. (functions transfd. to Min. of Overseas Development).	S.I. No. 1528.
c. 16	National Theatre Act 1949.	S. 1(2) rep. in pt. ...	61, s. 5(3), sch. 3.
c. 25	Tenancy of Shops (Scotland) Act 1949.	Ss. 1, 2(1) am. (transfer of functions from Treasury to Secretary of State for Educ. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
c. 27	Juries Act 1949	Saved	75, s. 1(3).
c. 29	Consular Conventions Act 1949.	Ss. 12, 18(1) proviso (a) rep.	56, s. 39(4), sch. 8 Pt. III.
c. 31	Water (Scotland) Act 1949.	S. 5(1). Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		Appl.	36, s. 23(5).

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12, 13 & 14 Geo. 6—cont. c. 35	British Film Institute Act 1949.	S. 1 am. (transfer of functions from Treasury to Secretary of State for Educ. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
c. 39	Commonwealth Telegraphs Act 1949.	S. 6(6) rep. Sch. 1 Pt. I para. 12(1) subst.	55, S.L.R. S.I. No. 2114.
c. 40	Landlord and Tenant (Rent Control) Act 1949.	Functions applying to Wales transfd. to Secy. of state.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		S. 2(1) subst.	75, s. 37(1), sch. 5 Pt. I para. 1.
		S. 2(2) am.	75, s. 37(1), sch. 5 Pt. I para. 2.
		S. 2(4) am.	75, s. 37(1), sch. 5 Pt. I para. 3.
		S. 2(5) am.	75, s. 37(1), sch. 5 Pt. I para. 4.
		S. 2(6) am.	75, s. 37(1), sch. 5 Pt. I para. 5.
		S. 11 ext.	75, s. 39(6)(7).
		am.	75, s. 39(8).
		restr.	75, s. 40(1)(2).
		S. 11(1) am.	75, s. 40(1)(2).
		Sch. 1 para. 5(1) am. ...	75, s. 37(1), sch. 5
		rep. in pt.	Pt. II para. 6. 75, ss. 37(1), 52(1), schs. 5 Pt. II, 7 Pt. I.
		Sch. 1 para. 5(2) ext. ...	75, s. 37(1), sch. 5
		Sch. 1 para. 5(3) mod. ...	Pt. III para. 7.
c. 42	Lands Tribunal Act 1949	S. 1(3)(c) and (6) rep. in pt.	75, s. 37(1), sch. 5 Pt. III para. 7.
		S. 2(6). Pensions increase	56, s. 39(4), sch. 8 Pt. III.
c. 43	Merchant Shipping (Safety Convention) Act 1949.	Functions transfd. to Bd. of Trade.	78, s. 1, sch. 1 Pt. I para. 31.
c. 44	Superannuation Act 1949	Pts. I—III (ss. 1—44) rep. (with savings for ss. 10 and 41).	S.I. No. 145, arts. 2, 3, sch. 1.
		Ss. 45—47, 48(5), 50, 51, 54, 55, 57—61, 62(1)(a), (2) rep., 63(1) rep. exc. so far as defining "the Superannuation Acts", 63(2)—(6) rep., 64(1) rep. in pt., schs. 1, 2 rep.	74, s. 104(1)(2), schs. 10 paras. 2(2), 18, 11.
c. 45	U.S.A. Veterans' Pensions (Administration) Act 1949.	S. 1(3)(c) am.	74, s. 104(2), sch. 11.
c. 51	Legal Aid and Advice Act 1949.	S. 1(3)(c). Power to am.	32, s. 1(1), sch. 1 Pt. I.
c. 56	National Insurance Act 1949.	Sch. 1 Pt. I para. 3(c) rep. (<i>prosp.</i>). Rep.	32, s. 6. 75, s. 52(1), sch. 7 Pt. II. 55, S.L.R.

Effect of Legislation

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6— <i>cont.</i> c. 59	Licensing Act 1949 ...	S. 4(1) rep. (E.)	59, s. 56(3), sch. 12.
c. 60	Housing Act 1949. ...	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 63	Solicitors (Scotland) Act 1949.	Excl. Appl.	29, s. 3. 45, s. 2(4), sch. para. 6.
c. 66	House of Commons (Redistribution of Seats) Act 1949.	Sch. 5 para. 3(1)(2) subst. Sch. 1 Pt. I para. 4. Functions applying to Wales transf'd. to Secy. of State.	29, s. 1. S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 67	Civil Aviation Act 1949	Ss. 16, 19(1), 24(7), 30, sch. 4. Functions transf'd. to Bd. of Trade. S. 19. Functions applying to Wales transf'd. to Secy. of State. S. 19(5) am. S. 24 ext. (E.) (S.) S. 25 ext. (E.) (S.) S. 26 ext. (E.) (S.) S. 28 ext. (E.) (S.) S. 28. Functions applying to Wales transf'd. to Secy. of State. S. 29 appl. (mod.) (E.) (S.). S. 31 ext. (E.) (S.) S. 31(2) rep. (E.) (S.) (<i>prosp.</i>). S. 33(2) mod. (E.) (S.) S. 37 ext. (E.) (S.) S. 43 ext. S. 43(3) rep. in pt., 43(6) (<i>a</i>) rep. in pt. S. 56 ext. (E.) (S.) Sch. 4 appl. (E.) (S.) Sch. 6 para. 7(2) ext. am.	S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 319, art. 2, sch. 1. 56, s. 38(1)(2), sch. 6. 16, s. 17(4), sch. 4 paras. 4, 6. 16, s. 17(4), sch. 4 paras. 5, 6. 16, s. 17(4), sch. 4 para. 7. 16, s. 17(4), sch. 4 para. 8. S.I. No. 319, arts. 3, 9, 10, sch. 2. 16, s. 17(3)(4), sch. 4 paras. 1, 9(2). 16, s. 17(3)(4), sch. 4 paras. 2(3), 9(3). 75, s. 52(1), sch. 7 Pt. II. 16, s. 17(4), sch. 4 para. 9(1). 16, s. 10(8). 2, ss. 14(1), 18. 2, s. 36(4), sch. 3. 16, s. 16 16, s. 17(3), sch. 4 para. 3. 2, s. 14(5). 2, ss. 17(1), 18, sch. 1.
c. 68	Representation of the People Act 1949.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 69	New Forest Act 1949 ...	Functions transf'd. to Min. of Land and Natural Resources.	S.I. No. 319, arts. 9, 10.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
12, 13 & 14 Geo. 6— <i>cont.</i> c. 74	Coast Protection Act 1949	Ss. 34–36. Functions transf. to Bd. of Trade. Functions applying to Wales transf. (saving) to Secy. of State.	S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 319, arts. 2, 9, 10.
c. 77	Armed Forces (Housing Loans) Act 1949.	Sch. 4 para. 21 subst. ... S. 1 am.	S.I. No. 204. 9, s. 1, sch.
c. 84	War Damage Sites Act 1949.	Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 87	Patents Act 1949 ...	Ss. 40, 43 ext.	50, s. 1, sch. 1 para. 9(3).
c. 94	Criminal Justice (Scotland) Act 1949.	S. 9(1) excl.	52, s. 69(5).
c. 97	National Parks and Access to the Countryside Act 1949.	Functions transf. in pt. to Min. of Land and Natural Resources.	S.I. No. 143, arts. 2(2)(3), 3(1).
		Functions applying to Wales (exc. under ss. 3, 9(2), 38(1), 65(3), 72, 78(1), 111, sch. 1 para. 4) transf. (saving) to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
		Pt. III (ss. 15–26) am. (refs. to Natural Environment Research Council subst. for refs. to Nature Conservancy).	4, s. 3(3).
		S. 24 rep.	4, s. 6(3), sch. 4.
		S. 25(2) rep.	4, s. 6(3), sch. 4.
		S. 25(3) restr.	4, s. 3(4)(a).
		S. 84 am.	4, s. 3(3).
		Ss. 93, 94. Functions applying to Wales transf. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
		S. 95(1) subst.	S.I. No. 143, art. 2(4).
		am.	S.I. No. 319, art. 10, sch. 4.
		S. 96 rep.	4, s. 6(3), sch. 4.
		S. 97(1) am. and expld. ...	S.I. No. 143, art. 2(5).
		S. 100(a) rep. in pt. ...	4, s. 6(3), sch. 4.
		S. 103(1) am.	4, s. 3(3)(4)(b).
		S. 103(2) am.	4, s. 3(3).
		S. 106 am.	4, s. 3(3).
c. 101	Justices of the Peace Act 1949.	S. 20 expld.	28, s. 1(2).
		S. 20(4)(a) ext.	28, s. 1(1).
		S. 27 expld.	24, s. 20(4).
		S. 33. Pensions increase	78, s. 1, sch. 1 Pt. II para. 9.
14 Geo. 6: c. 9	Merchant Shipping Act 1950.	Functions transf. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		S. 1(4), sch. 1 para. 12 rep. (<i>prosp.</i>).	47, s. 7(2), sch. 2.

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14 Geo. 6—cont.			
c. 15	Finance Act 1950 ...	S. 48(1) ext. and expld. ...	25, s. 31(7).
c. 17	Agriculture (Miscellaneous Provisions) Act 1950.	S. 1(4) am. (E.) ...	66, s. 59, sch. 5.
		am. (S.) ...	67, s. 55, sch. 5.
c. 21	Miscellaneous Financial Provisions Act 1950.	S. 2(1) proviso am. ...	25, s. 95.
c. 24	Highways (Provision of Cattle-Grids) Act 1950.	S. 19(4) rep. in pt. ...	S.I. No. 654, art. 3, sch. 1.
c. 25	Matrimonial Causes Act 1950.	Rep.	72, s. 45, sch. 2.
c. 27	Arbitration Act 1950 ...	Saved	12, s. 60(8)(a).
		Excl. (E.) (S.) ...	51, s. 75(2).
		Excl. (E.) ...	52, s. 50(5).
		Power to apply (E.) ...	62, s. 46(1).
		S. 21 restr. ...	3, s. 3(4).
c. 28	Shops Act 1950 ...	Am. (refs. to "early closing day" substd. for refs. to "weekly half-holiday").	52, s. 50(5).
		S. 1 ext.	12, s. 60(9).
		S. 1(2)(3) rep. ...	35, s. 3.
		S. 1(4) rep. in pt. ...	35, ss. 1(2)-(4), 4(2).
		S. 1(6) rep. in pt. ...	35, s. 1(1).
		S. 3 proviso rep. ...	35, s. 2(1).
		S. 12 expld. ...	35, s. 2(2).
		S. 12 proviso rep. in pt. ...	35, s. 4(1)(a).
		Ss. 14(1), 44-46 ext. ...	35, s. 4(2).
		S. 53(13)(b) rep....	35, s. 4(1)(b).
		S. 54(2) proviso rep. in pt. ...	35, s. 5(2).
		Ss. 62(2)(b), 67(4)(b) rep. ...	35, s. 4(1)(c).
		S. 69(1)(e) ext. ...	35, s. 4(1)(d).
		S. 74(1) rep. in pt. and am.	35, s. 4(1)(c).
c. 31	Allotments Act 1950 ...	Functions transfd. to Min. of Land and Natural Resources.	35, s. 5(2).
c. 34	Housing (Scotland) Act 1950.	S. 68(2) am.	S.I. No. 143, arts. 2, 3(1).
		S. 79(2) rep. in pt. ...	67, s. 55, sch. 5.
		S. 114(1) ext.	12, s. 77 (1) sch. 5.
		S. 136(5) expld. ...	75, s. 26(5), sch. 3 para. 17.
		S. 184(1) (definition of "public undertakers") ext.	63, s. 2(2)(b).
c. 37	Maintenance Orders Act 1950.	Sch. 11 para. 6 expld. ...	16, s. 19(6).
c. 39	Public Utilities Street Works Act 1950.	S. 16 am.	63, s. 2(2)(b).
		Functions applying to Wales transfd. to Secy. of State.	72, s. 38.
14 & 15 Geo. 6:			
c. 2	Superannuation Act 1950	Ss. 1(1), 2, 4(2) rep., 4(3) rep. in pt.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
			74, s. 104(2), sch. 11.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
14 & 15 Geo. 6 —cont. c. 11	Administration of Justice (Pensions) Act 1950.	Saved S. 1 rep. in pt. Pt. I. Pensions increase Ss. 2-8 appl. Ss. 3(1)(ii), 5(3). Power to excl. S. 6(1)(c)(ii). Power to am. S. 6(1)(c)(ii) am. S. 17 appl. S. 22. Pensions increase Sch. 1 am. Sch. 2 rep. so far as amending 1946, cc. 62 and 67.	51, s. 79(1). 55, S.L.R. 78, s. 1, sch. 1 Pt. I para. 15. 50, s. 1, sch. 1 para. 6. 10, s. 5, sch. 2 para. 12(3)(4). 10, s. 5, sch. 2 para. 24. S.I. No. 1026. 50, s. 1, sch. 1 para. 6. 78, s. 1, sch. 1 Pt. II para. 10. 50, s. 1, sch. 1 para. 6. 55, S.L.R.
c. 22	Workmen's Compensation (Supplementation) Act 1951.	Am. (<i>prosp.</i>) S. 1(1) ext. (<i>prosp.</i>) am. (<i>prosp.</i>) rep. in pt. (<i>prosp.</i>) S. 1(2) am. (<i>prosp.</i>) S. 1(4) restr. (<i>prosp.</i>) S. 1(5)(a)(b) rep. (<i>prosp.</i>) S. 1(5)(c) am. (<i>prosp.</i>) S. 1(5)(d) rep. (<i>prosp.</i>) S. 2(1)(2) rep. (<i>prosp.</i>) S. 2(3) am. (<i>prosp.</i>) S. 2(4) rep. (<i>prosp.</i>) S. 2(5) am. (<i>prosp.</i>) S. 2(6) am. (<i>prosp.</i>) S. 2(8) rep. (<i>prosp.</i>) S. 9 am.	79, ss. 1(1)(2), 3(1)(4). 79, s. 4(3). 79, s. 4(6), sch. 1 para. 1. 79, s. 4(6), schs. 1, para. 1, 2. 79, s. 4(6), sch. 1 para. 2. 79, s. 4(4). 79, s. 4(6), sch. 2. 79, s. 4(6), sch. 1 para. 3. 79, s. 4(6), sch. 2. 79, s. 4(6), sch. 2. 79, s. 4(6), sch. 1 para. 4. 79, s. 4(6), sch. 1 para. 5. 79, s. 4(6), sch. 1 para. 5. 79, s. 4(6), sch. 1 para. 6. 79, s. 4(6), sch. 2. 13, s. 13(1).
c. 26	Salmon and Freshwater Fisheries (Protection) (Scotland) Act 1951.	S. 2(8) rep. (<i>prosp.</i>) S. 9 am.	79, s. 4(6), sch. 2. 13, s. 13(1).
c. 34	National Insurance Act 1951.	Rep.	55, S.L.R.
c. 41	Coal Industry Act 1951	S. 1 rep.	82, s. 5(3), sch. 2.
c. 43	Finance Act 1951	Pt. III (ss. 28-32) rep.	25, s. 97(5), sch. 22 Pt. V.
c. 45	Rural Water Supplies and Sewerage Act 1951.	Rep.	80, s. 1(2).
c. 46	Courts-Martial (Appeals) Act 1951.	Pensions increase	78, s. 1, sch. 1 Pt. I para. 23.

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14 & 15 Geo. 6 —cont.			
c. 48	Dangerous Drugs Act 1951.	Rep.	15, s. 27(1).
c. 53	Midwives Act 1951 ...	S. 23(2) mod.	S.I. No. 654, art. 3(13).
c. 60	Mineral Workings Act 1951.	S. 17(2) am. S. 25(1). Functions transfd. (exc. for Wales), to Min. of Land and Natural Resources; (for Wales) to Secy. of State. S. 32. Functions applying to Wales transfd. to Secy. of State.	56, s. 38(1)(2), sch. 6. S.I. No. 319, arts. 4, 9, 10. S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 61	Forestry Act 1951 ...	Functions transfd. (exc. for Wales) to Min. of Land and Natural Resources; (for Wales) to Secy. of State.	S.I. No. 319.
c. 63	Rag Flock and Other Filling Materials Act 1951.	Functions applying to Wales (exc. under ss. 8 (1), 15 and 30) transfd. to Secy. of State. S. 10(7) am. (E.) am. (S.)	S.I. No. 319, arts. 2, 9, 10, sch. 1. 66, s. 59, sch. 5. 67, s. 55, sch. 5.
c. 64	Rivers (Prevention of Pollution) Act 1951.	Functions applying to Wales transfd. (saving) to Secy. of State.	S.I. No. 319, arts. 5, 9, 10, sch. 3.
c. 65	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	S. 4(6) am. (E.) S. 10(3) am. (S.)	66, s. 59, sch. 5. 67, s. 55, sch. 5.
		S. 15(1) am. S. 16(2)(a) am. S. 16(2)(bb) rep.... .. S. 22(1)–(3) ext.... .. S. 41(3) rep.	75, s. 51, sch. 6 para. 5(1). 75, s. 51, sch. 6 para. 5(2). 75, s. 52(1), sch. 7 Pt. I. 75, s. 51, sch. 6 para. 5(3). 74, s. 104(2), sch. 11.
c. 66	Rivers (Prevention of Pollution) (Scotland) Act 1951.	S. 3(1) am. S. 7(3) expld. S. 18 ext. S. 18(4) am. S. 18(4) proviso excl. S. 19 ext. S. 19(2) subst. by s. 19(2) (2A) (2B). S. 19(4) added S. 20 ext. S. 20(6) rep.	13, s. 8(5). 13, s. 2(2)(b). 13, s. 14. 13, s. 3(2). 13, s. 3(2)(3). 13, ss. 10(2). 14. 13, s. 10(6)(a). 13, s. 10(6)(b). 13, s. 14. 13, s. 17(6), sch. 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
14 & 15 Geo. 6: —c. 66— <i>cont.</i>	Rivers (Prevention of Pollution) (Scotland) Act 1951— <i>cont.</i>	S. 21 ext. S. 22 am. saved S. 22(1)(a) mod. S. 22(1)(c) subst. S. 22(3) rep. S. 22(4) am. S. 22(4) rep. in pt. S. 22(5) rep. S. 22(6)(e) added S. 22(7) rep. S. 22(9) am. S. 22(10) am. S. 23 appl. (<i>prosp.</i>) mod. S. 23(2) am. S. 24 am. S. 24 saved S. 24(1) rep. in pt. S. 24(3) rep. S. 25 ext. S. 25(1)(a) rep. S. 25(2)(3) rep. S. 26 ext. S. 26(1) rep. S. 27 rep. S. 28 ext. (<i>prosp.</i>) am. ext. expld. saved S. 28(1) rep. in pt. S. 28(2) am. S. 28(3) rep. in pt. S. 28(4) ext. S. 28(5) rep. (saving) S. 28(6) rep.	13, s. 14. 13, s. 6. 13, s. 17(4). 13, ss. 2(2), 4(1). 13, ss. 12, 17(5), sch. 3. 13, ss. 9(2), 17(6), sch. 4. 13, s. 17(5), sch. 3. 13, s. 17(6), sch. 4. 13, s. 17(6), sch. 4. 13, s. 17(5)(6), schs. 3, 4. 13, s. 13(2). 13, s. 17(5)(6), schs. 3, 4. 13, s. 17(5), sch. 3. 13, s. 17(5), sch. 3. 13, s. 1(8), (10). 13, ss. 2(2), 4(1). 13, s. 17(5), sch. 3. 13, s. 6. 13, s. 17(4). 13, s. 17(5)(6), schs. 3, 4. 13, s. 17(5)(6), schs. 3, 4. 13, s. 14. 13, ss. 4(2), 17(6), sch. 4. 13, s. 17(6), sch. 4. 13, s. 17(6), sch. 4. 13, s. 14. 13, s. 17(6), sch. 4. 13, s. 17(6), sch. 4. 13, ss. 1(4)(10). 13, ss. 5, 6, 7(2)–(4). 13, s. 8(2)(3). 13, ss. 8(4), 10(1). 13, s. 17(4). 13, s. 17(5)(6), schs. 3, 4. 13, s. 17(5), sch. 3. 13, s. 17(5)(6), schs. 3, 4. 13, s. 6. 13, ss. 5(6), 17(5)(6), schs. 3, 4. 13, s. 17(5)(6), schs. 3, 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
14 & 15 Geo. 6: —c. 66— <i>cont.</i>	Rivers (Prevention of Pollution) (Scotland) Act 1951— <i>cont.</i>	S. 28(7) am. S. 28(7)(b) ext. S. 28(8)(a) mod. S. 28(10)(11)(13) rep. S. 29 restr. S. 29(2) am. S. 29(3)—(5) ext. S. 30 ext. S. 31 ext. S. 31(1) am. Ss. 33, 34 ext. S. 35(3) rep. in pt., sch. 3 para. 2 rep.	13, s. 7(1). 13, s. 7(1). 13, s. 8(6). 13, s. 17(5)(6), schs. 3, 4. 13, s. 15(3). 13, s. 17(5), sch. 3. 13, s. 8(7). 13, s. 14. 13, s. 14. 13, s. 8(7). 13, s. 14. 13, s. 17(6), sch. 4.
C.A.M. No. 5 ...	Benefices (Stabilization of Incomes) Measure 1951.	S. 4 expld.	2, s. 28(2).
15 & 16 Geo. 6 & 1 Eliz. 2: c. 4	Pneumoconiosis and Byssinosis Benefit Act 1951.	Am. (<i>prosp.</i>) S. 1 am. (<i>prosp.</i>) S. 1(1)(a) am. (<i>prosp.</i>) S. 1(5) restr. (<i>prosp.</i>) S. 2 restr. (<i>prosp.</i>) S. 3(2) excl. (<i>prosp.</i>) Expld. (<i>retrosp.</i>)	79, s. 3(1)(4). 79, s. 2(2). 79, s. 2(1). 79, s. 4(4). 79, s. 2(4). 79, s. 2(4). 11, ss. 13(2), 21(3)(a).
c. 10	Income Tax Act 1952 ...	Excl. Restr. Expld. Appl. in pt. (mod.) Appl. in pt. (mod.) (corporation tax). Ext. and expld. Power to appl. (E.) (S.)... S. 1 am. (Sch. F added)... S. 47 appl. (mod.) S. 63 appl. (mod.) S. 65 appl. (mod.) S. 66 appl. (mod.) Pt. II Chapter IV (ss. 67–81) appl. (mod.) (exc. s. 72). S. 122, sch. D excl.	25, s. 11. 25, ss. 46(2), 69(3). 25, s. 48(5). 25, s. 49(7). 25, s. 53(3). 25, s. 63(1), sch. 14 Pt. I paras. 2(9), 4. 51, s. 15(2). 25, ss. 47, 69(3). 25, s. 45(12), sch. 10 Pt. I para. 1. 25, ss. 45(12), 85(10), schs. 10 Pt. I para. 1, 12 Pt. I para. 5(2). 25, s. 45(12), sch. 10 Pt. I para. 1. 25, ss. 45(12), 85(10), schs. 10 Pt. I para. 1, 12 Pt. I para. 5(2). 25, s. 45(12), sch. 10 Pt. I para. 1. 25, s. 15.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2: c. 10 —cont.	Income Tax Act 1952 —cont.	S. 123(1), sch. D: Case IV expld. ... Case V expld. ... Case VI excl. ... mod. ... Case VII appl. ... am. ... S. 125 expld. ... S. 131(3) appl. in pt. ... Pt. V Chapter II (ss. 137–143) restr. ... S. 137(e), 138 excl. ... S. 144 appl. (mod.) ... S. 147 appl. ... S. 153(3)(4) rep.... ... S. 156, sch. E. excl. ... S. 157 saved ... S. 162 appl. (mod.) ... S. 166 am. ... S. 170 excl. ... S. 171 rep. ... S. 181 appl. ... Ss. 184–186 rep. ... S. 199 ext. ... S. 199(1) rep. in pt. ... S. 201 excl. ... rep. (<i>prosp.</i>) ... S. 202 appl. ... S. 201(1)(ii) appl. (mod.) ... S. 210(1)(a)(b), (2) am. ... S. 216 am. ... S. 220(5) rep. in pt. ... S. 245 rep. ... S. 246(1) rep. ... S. 246(2) appl. ... S. 246(2) proviso rep. ... S. 246(3) appl. ...	25, s. 54(7)(8). 25, s. 54(7)(8). 25, s. 56(4). 25, 60. 25, ss. 17(15), 82(3). 25, s. 18(1). 25, s. 63(4), sch. 15 Pts. I para. 1, II para. 25. 25, s. 94(6). 25, s. 45(10). 25, s. 54(3). 25, ss. 45(12), 73(4), sch. 10 Pt. II para. 10. 25, ss. 45(7)(c), 73(6). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 15. 25, s. 10(1). 25, s. 47(5), sch. 11 Pt. II para. 9(3). 25, s. 66(5). 25, s. 48(7). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 54(4). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 67(6). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 64(2). 25, ss. 64(2), 97(5), sch. 22 Pt. IV. 25, s. 63(4), sch. 15 Pt. I para. 2. 25, s. 63(4), sch. 15 Pt. I para. 3. 25, s. 10(2). 25, s. 10(3). 25, s. 97(5), sch. 22 Pt. II. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 77(3). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 77(3).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2: c. 10 —cont.	Income Tax Act 1952 —cont.	S. 247 rep. (saving) ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 248(1) rep. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 248(2)(3) appl. (mod.)	25, s. 79, sch. 18 Pt. II para. 10.
		S. 249 appl. (mod.) ... ext. ...	25, s. 78(1)(7). 25, s. 22(9), sch. 6 Pt. I para. 18 (5).
		S. 249(2)(c) rep....	25, s. 97(5), sch. 22 Pt. IV.
		S. 250(1) rep., 250(3) rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
		S. 250(3) appl. (mod.) ...	25, s. 79, sch. 18 Pt. II para. 10.
		S. 250(4) appl. (mod.) ...	25, ss. 45(12), 79, schs. 10 para. 8, 18 Pt. II para. 10.
		S. 250(5) appl. (mod.) ...	25, s. 79, sch. 18 Pt. II para. 10.
		Ss. 251–257 rep....	25, s. 97(5), sch. 22 Pt. IV.
		S. 258(1) appl. ... rep. in pt. ...	25, s. 77(3). 25, s. 97(5), sch. 22 Pt. IV.
		S. 258(2) rep. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 258(3) rep. in pt. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 258(3) provisos appl. (mod.).	25, s. 78(5).
		S. 258(4) appl. ...	25, s. 77(3).
		S. 259(1) appl. (mod.) ... rep. in pt. ...	25, s. 78(5). 25, s. 97(5), sch. 22 Pt. IV.
		S. 259(2) rep. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 260 appl. (mod.) ...	25, s. 78(5).
		S. 260(5) rep. ...	25, s. 97(5), sch. 22 Pt. IV.
		Ss. 261–263 rep. ...	25, s. 97(5), sch. 22 Pt. IV.
S. 264 appl. (mod.) ... rep. in pt. ...	25, s. 79, sch. 18 Pt. II para. 10. 25, s. 97(5), sch. 22 Pt. IV.		
Pt. X (ss. 265–334) am... ext. (E.) (S.)	25, s. 63(1), sch. 14 Pts. I para. 2, II paras. 24(1) (a), 25.		
S. 266(2) subst. ...	16, s. 1, sch. 2. 25, s. 63(1), sch. 14 Pt. II para. 5.		
S. 267(1) proviso subst....	25, s. 63(1), sch. 14 Pt. II para. 6(1).		

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 267(4) subst.	25, s. 63(1), sch. 14 Pt. II para. 6(2).
		S. 267(6) am.	25, s. 63(1), sch. 14 Pt. II para. 6(3).
		S. 268(4) am.	25, s. 63(1), sch. 14 Pt. VII para. 23(3).
		S. 268(5) subst.	25, s. 63(1), sch. 14 Pt. II para. 7(1).
		expld.	25, s. 63(1), sch. 14 Pt. II para. 7(3).
		S. 268(10) am.	25, s. 63(1), sch. 14 Pt. II para. 7(2).
		S. 271(6) added	25, s. 63(1), sch. 14 Pt. II para. 8.
		S. 276 am.	25, s. 63(1), sch. 14 Pt. II para. 9.
		S. 277(1) rep.	25, s. 97(5), sch. 22 Pt. IV para. 24(1)(a).
		Pt. X Chapter II (ss. 279-304)	
		restr.	25, s. 13(1)(2)
		ext.	25, ss. 13(4), 15(1).
		S. 279(2) excl.	25, s. 14(5).
		S. 281 appl. (mod.)	25, s. 14(1)(2).
		Ss. 282, 285 excl.	25, s. 14(1)(2).
		S. 287(3) am.	25, s. 63(1), sch. 14 Pt. III, para. 11.
		S. 291(1) am.	25, ss. 13(3), 63(1), sch. 14 Pt. III para. 12(1).
		S. 291(2) am.	25, s. 63(1), sch. 14 Pt. III para. 12(1).
		S. 295 expld.	25, s. 63(1), sch. 14 Pt. III para. 12(2).
		S. 295(2) am.	25, s. 63(1), sch. 14 Pt. III para. 12(2).
		S. 297(b) am.	25, s. 63(1), sch. 14 Pt. III para. 13.
		S. 304 am.	25, s. 63(1), sch. 14 Pt. III para. 14.
		S. 307(3) am.	25, s. 63(1), sch. 14 Pt. IV para. 16.

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 313 appl.	25, s. 16(2).
		S. 314(1) rep. in pt. and am.	25, s. 63(1), sch. 14 Pt. V para. 19(1)(2).
		S. 314(4) am.	25, s. 63(1), sch. 14 Pt. V para. 19(1)(3).
		S. 314(7) am.	25, s. 63(1), sch. 14 Pt. V para. 19(1)(4).
		S. 316(1)(2) am.... ..	25, s. 63(1), sch. 14 Pt. VI para. 20(1).
		S. 316(3) rep.	25, ss. 63(1), 97(5), schs. 14 Pt. VI para. 20(1), 22 Pt. IV.
		S. 317 am.	25, s. 63(1), sch. 14 Pt. VI para. 20(2).
		S. 318(1) am.	25, s. 63(1), sch. 14 Pt. VI para. 21(1).
		S. 318(2) expld.	25, s. 63(1), sch. 14 Pt. VI para. 21(2).
		S. 322(4) rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 323(3) am.	25, s. 63(1), sch. 14 Pt. II para. 6(4).
		ext.	25, s. 63(1), sch. 14 Pt. II para. 6(5).
		S. 329. Power to appl. ...	25, s. 45(12), sch. 10 Pt. I para. 2(2)(b).
		S. 329(1) am.	25, s. 63(1), sch. 14 Pt. VIII para. 24(1)(b).
		S. 330(1)(a) am.... ..	25, s. 63(1), sch. 14 Pt. VIII para. 24(1)(c).
		S. 333(1) rep. in pt. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 335 am.	4, s. 3(5), sch. 2, 25, s. 63(1), sch. 14 Pt. VII para. 22.
		S. 336(6) added (saving)	25, s. 63(1), sch. 14 Pt. VII para. 23(1).
		S. 339(2) mod.	25, s. 63(1), sch. 14 Pt. VIII para. 24(2).
		S. 340(1) rep. in pt. ...	4, s. 6(3), sch. 4.
S. 340(4) am.	4, s. 3(5), sch. 2.		

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Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
15 & 16 Geo 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 341 expld.	25, s. 63(4), sch. 15 Pt. II para. 20.
		S. 342 mod.	25, s. 63(4), sch. 15 Pt. II para. 21.
		S. 346 mod.	25, s. 63(4), sch. 15 Pt. II para. 22.
		Pt. XIII (ss. 347-353) appl. (mod.).	25, s. 64(1).
		S. 347 appl. (mod.) ...	25, ss. 39, 64(1)(2), sch. 16 Pt. I para. 3(3).
		S. 348 appl. (mod.) ...	25, s. 39.
		S. 348(7) rep.	25, s. 97(5), sch. 22 Pt. V.
		Ss. 350 rep., 351(1) rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
		S. 353 appl.	25, s. 39(4).
		Ss. 359, 360 appl. (mod.)	25, s. 45(12), sch. 10 Pt. I para. 3(4).
		S. 361(1)(2) appl. ...	25, s. 45(3).
		Pt. XV (ss. 362-367) appl. (mod.).	25, s. 45(12), sch. 10 Pts. I para. 1, II para. 12(2).
		Pt. XVI (ss. 368-375) appl. (mod.).	25, s. 50(4).
		S. 370 appl. (mod.) ...	25, s. 45(12), sch. 10 Pt. I para. 1.
		S. 377(2) rep.	25, ss. 10(4), 97(5), sch. 22 Pt. II.
		S. 377(3) rep. in pt., 377(4) rep.	25, s. 97(5), sch. 22 Pt. II.
		S. 379(3) appl. (<i>retrosp.</i>)	11, ss. 13(2), 21(3)(a).
		S. 385(2) am.	11, ss. 4(5), 20(1), sch. 4.
		S. 410 appl.	25, s. 45(12), sch. 10 Pt. II para. 9.
		Ss. 411(1)(b) am., 411(4) subst., 412(8)(d) am., 414(4) am.	25, s. 79, sch. 18 Pt. II para. 15.
S. 415(1) paras. (a)-(c) rep. (saving).	25, ss. 12(1)(3), 97(5), sch. 22 Pt. II.		
S. 415(1) proviso rep. ...	25, s. 97(5), sch. 22 Pt. II.		
S. 415(2) am.	25, s. 12(2).		
S. 416(3) appl. (mod.) ...	25, s. 63(4), sch. 15 Pt. I para. 3.		
S. 425 rep. exc. subs. (6)	25, ss. 57(5), 63(4), 97(5), schs. 15 Pt. II para. 23(2), 22 Pt. IV.		

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 426(1) saved	25, s. 69(1).
		appl.	25, s. 69(5).
		S. 426(2) appl.	25, s. 69(5).
		S. 426(3) rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 427 appl.	25, s. 69(5).
		S. 427(2) appl.	25, s. 69(6).
		S. 428 rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 429 mod.	25, s. 69(3).
		S. 430 mod.	25, s. 69(3).
		S. 431 appl. (mod.)	25, s. 69(9).
		Ss. 434(3), 435(4) rep.	25, s. 97(5), sch. 22 Pt. V.
		S. 436(3) appl.	25, s. 69(3)(c).
		S. 438 rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 440(1)(2) am.	25, s. 63(4), sch. 15 Pt. I para. 4(1).
		S. 442(4) added	25, s. 70(2).
		S. 443 rep. (saving)	25, ss. 70, 97(5), sch. 22 Pt. IV.
		S. 444(2) excl.	25, s. 47(5).
		S. 445(1)(a) subst. and 445(1) proviso am.	25, s. 71(1)(a).
		S. 445(3)(b) restr.	25, s. 71(1)(b).
		S. 446 appl.	25, s. 70(10).
		S. 449(1) am.	4, s. 3(5), sch. 2, 25, s. 63(4), sch. 15 Pt. I para. 4(2).
		S. 451(1) am.	25, s. 63(4), sch. 15 Pt. I para. 4(3).
		Ss. 454, 455 rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 460 am.	25, s. 63(4), sch. 15 Pt. I para. 4(4).
		S. 461 am.	25, s. 35(3).
		S. 468(1) rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
		S. 468(6) proviso subst. (1966/67 onwards).	25, s. 63(4), sch. 15 Pt. I para. 5.
		S. 468(7) am.	25, s. 63(4), sch. 15 Pt. I para. 5.
		S. 469(1)(2) rep. in pt.	25, s. 97(5), sch. 22 Pt. V.
		S. 473(2) rep. in pt.	25, s. 97(5), sch. 22 Pt. V.
		Ss. 482, 483 appl. (mod.)	25, s. 63(4), sch. 15 Pt. I para. 6.
		S. 484 appl. (mod.)	25, s. 63(4), sch. 15 Pt. I para. 6.
S. 484(1)(2) rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.		
S. 491(3)(a) subst. (from 1966–67).	25, s. 63(4), sch. 15 Pt. I para. 7.		

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15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i>	Income Tax Act 1952— <i>cont.</i>	S. 492 am. Ss. 493, 494 rep. S. 495 appl. (mod.) Ss. 496-497 appl. (mod.) Ss. 500-505, 507 appl. (mod.). S. 508(2) rep. Ss. 510, 513-515, 520 appl. (mod.). S. 512 appl. Sch. 11 rep. Sch. 14 para. 4 expld. ... Sch. 15 paras. 2(a), 3(1) am. Sch. 16 am. Sch. 16 paras. 1(1) rep. so far as defining "income", 2(2) rep. Sch. 16 paras. 5(2) rep. in pt., 11 rep. Sch. 16 para. 7 excl. (<i>prosp.</i>). Sch. 16 para. 14 rep. ... Sch. 17 appl. (mod.) ... Sch. 17 Pt. I para. 3 appl. (mod.). Sch. 17 Pt. I para. 4 rep. (<i>prosp.</i>). Sch. 18 Pt. III para. 3 appl. Sch. 19 para. 6(1) am. ... Sch. 20 expld. Sch. 20 para. 2 expld. ... Sch. 20 paras. 2(4) rep. in pt., 10(4) rep. Sch. 21 para. 10 rep. ... Sch. 22 Pt. II rep. ...	25, s. 63(4), sch. 15 Pt. I para. 7. 25, s. 97(5), sch. 22 Pt. IV. 25, ss. 45(12), 63(4), 85(10), schs. 10 Pt. I para. 1, 12 Pt. I para. 5(3), 15 Pt. I para. 8. 25, ss. 45(12), 63(4), schs. 10 Pt. I para. 1, 15 Pt. I para. 8. 25, s. 45(12), sch. 10 Pt. I para. 1. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 45(12), sch. 10 Pt. I para. 1. 25, s. 45(11). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 63(4), sch. 15 Pt. II para. 25. 25, s. 63(1), sch. 14 Pt. VIII para. 24(3). 25, s. 39(1)(3). 25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 64(2), sch. 16 Pt. I para. 6. 25, s. 97(5), sch. 22 Pt. V. 25, s. 39(1)(3). 25, s. 64(2), sch. 16 para. 4(3). 25, s. 64(2)(b). 25, s. 69(3)(c). 25, s. 63(1), sch. 14 Pt. II para. 6(6). 25, s. 63(4), sch. 15 Pt. II para. 25. 25, s. 63(4), sch. 15 Pt. I para. 9. 25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. IV.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
15 & 16 Geo. 6 & 1 Eliz. 2— <i>cont.</i>			
c. 12	Judicial Offices (Salaries, etc.) Act 1952.	S. 4(1) rep.	61, s. 5(3), sch. 3.
c. 17	Industrial and Provident Societies Act 1952.	Rep.	12, s. 77(1), sch. 5.
c. 29	Family Allowances and National Insurance Act 1952.	Rep.	55, S.L.R.
c. 31	Cremation Act 1952 ...	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 33	Finance Act 1952 ...	S. 15(2) am. S. 22(1) am. S. 22(3)(b) subst. ... S. 22(5) rep. S. 25(2) rep. S. 27(3) rep. Pt. IV (ss. 33-35), s. 67(2) rep. S. 68 rep.	25, s. 10(5). 25, s. 63(1), sch. 14 Pt. IV para. 17(1)(2). 25, s. 63(1), sch. 14 Pt. IV para. 17(1)(3). 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. IV.
c. 44	Customs and Excise Act 1952.	S. 200(6)(c) am.	25, s. 8.
c. 45	Pensions (Increase) Act 1952.	S. 320(3) rep.	15, s. 27(1).
c. 48	Costs in Criminal Cases Act 1952.	S. 3(1)(a) rep. (saving).	78, s. 3(6).
c. 52	Prison Act 1952... ..	S. 5 appl. (<i>prosp.</i>) S. 27 ext. (<i>temp.</i>) restr. (<i>temp.</i>) S. 36(3) am.	45, s. 2(4), sch. para. 4. 71, ss. 1(2)(4), 4. 71, s. 2, 4. 56, s. 38(1)(2), sch. 6.
c. 53	Housing Act 1952 ...	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 54	Town Development Act 1952.	Functions applying to Wales transf'd. (saving) to Secy. of State. S. 18, sch. rep.	S.I. No. 319, art. 2, sch. 1. 59, s. 56(3), sch. 12.
c. 55	Magistrates' Courts Act 1952.	S. 5 rep. (saving) S. 35 saved S. 104 appl. (mod.) S. 121 ext. S. 122(1)(e) am.	69, ss. 1(4), 10(3), sch. 2 Pt. II. 36, s. 21(4). 25, s. 92(7). 45, s. 2(4), sch. para. 2. 69, s. 10(3), sch. 2 Pt. I.
c. 61	Prisons (Scotland) Act 1952.	S. 21 ext. (<i>temp.</i>) restr. (<i>temp.</i>)	71, ss. 1(2)(4), 4. 71, s. 2, 4.

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4 & 2 Eliz. 2:			
c. 23	Accommodation Agencies Act 1953.	Cont. until end of December, 1966.	77, s. 1(1), sch.
c. 25	Local Government Superannuation Act 1953.	S. 2 mod. S. 15 ext. (E.)	S.I. No. 570. 59, s. 35(2), sch. 9 para. 2(4).
		S. 15(2)(a) am. and expld. (E.).	59, s. 48(1).
		Ss. 17, 18 mod.	S.I. No. 570.
		S. 25(1) am.	32, s. 1(1), sch. 1 Pt. I.
		S. 25(1). Power to am....	32, s. 6.
		S. 25(2) rep.	32, ss. 4(1), 7(6), sch. 4.
c. 26	Local Government (Miscellaneous Provisions) Act 1953.	Functions applying to Wales (exc. under s. 8 (3)) transfd. (saving) to Secy. of State.	S.I. No. 319.
		S. 1(2) mod.	S.I. No. 654, art. 3(14).
c. 29	National Insurance Act 1953.	Rep.	55, S.L.R.
c. 34	Finance Act 1953 ...	S. 15(3) appl. (mod.) ...	25, s. 63(4), sch. 15 Pt. II, para. 20(1).
		S. 17(3) rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 19 mod.	25, ss. 54(2), 73 (3)(b).
		S. 20 expld.	25, s. 63(4), sch. 15 Pt. I para. 10.
		S. 20(2) rep. in pt. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 20(5)(7)(11) rep. ...	25, s. 97(5), sch. 22 Pt. IV.
		S. 23 mod.	25, s. 63(4), sch. 15 Pt. I para. 11.
		S. 24 appl.	25, s. 45(6).
		S. 25(1) am.	25, s. 63(1), sch. 14 Pt. VIII para. 25.
		S. 25(4) rep.	25, s. 97(5), sch. 22 Pt. V.
		S. 29 appl. (mod.) ...	25, s. 45(12), sch. 10 Pt. I para. 1.
c. 36	Post Office Act 1953 ...	S. 51. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		S. 63. Power to appl. (mod.).	51, s. 14(2)(b).
c. 43	National Insurance (Industrial Injuries) Act 1953.	Rep.	55, S.L.R.
c. 47	Emergency Laws (Miscellaneous Provisions) Act 1953.	S. 4. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.

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1 & 2 Eliz. 2— <i>cont.</i>			
c. 50	Auxiliary Forces Act 1953	S. 18(1) am.	S.I. No. 1126.
c. 51	Monopolies and Restrictive Practices Commission Act 1953.	Rep. and superseded	50, ss. 1(1), 11(5), sch. 3.
C.A.M. No. 5 ...	Benefices (Suspension of Presentation) Measure 1953.	S. 9(2) am.	C.A.M. No. 2, s. 1.
2 & 3 Eliz. 2:			
c. 16	Industrial Diseases (Benefit) Act 1954.	S. 2(1)(a) restr. (<i>prosp.</i>)...	79, s. 2(4).
c. 18	Merchant Shipping Act 1954.	Rep. (<i>prosp.</i>)	47, s. 7(2), sch. 2
c. 20	Development of Inventions Act 1954.	Functions of Bd. of Trade transfd. to Min. of Technology.	S.I. No. 125, arts. 2(1)(3), 3.
		S. 1 rep.	21, s. 10(2), sch.
		S. 2. Functions of Secy. of State transfd. to Min. of Technology.	S.I. No. 125, arts. 2(2), 3.
		S. 2 restr.	21, s. 4(3).
		S. 2(2) ext.	21, s. 4(4).
		am.	21, s. 7(4).
		S. 2(3) ext.	21, s. 4(4).
		am.	21, s. 7(4).
c. 21	Rights of Entry (Gas and Electricity Boards) Act 1954.	Appl. (mod.) (Gas Council).	36, ss. 1(9), 20, schs. I para. 10 (1), 6 para. 5.
c. 24	Cotton Act 1954 ...	S. 4(2). Pensions increase.	78, s. 1, sch. 1 Pt. II para. 12.
c. 27	Judges' Remuneration Act 1954.	S. 1(1) rep.	61, s. 5(3), sch. 3.
c. 30	Protection of Birds Act 1954.	Ss. 10(2)(b), 14(1) (para. (c) of definition of "authorised person") am. and expld.	4, s. 3(5), sch. 2.
c. 32	Atomic Energy Authority Act 1954.	S. 2(2) ext.	4, s. 4(1).
		S. 4(1) ext.	4, s. 4(2).
		S. 5(3) rep.	6, s. 17(1), sch. 2.
		S. 6(2) am.	25, s. 63(4), sch. 15 Pt. I para. 12.
c. 37	Superannuation (President of the Industrial Court) Act 1954.	Pensions increase	78, s.1, sch. 1 Pt. I para. 30.
c. 39	Agriculture (Miscellaneous Provisions) Act 1954.	S. 9(6). Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10 sch. 1.
c. 43	Industrial and Provident Societies (Amendment) Act 1954.	Rep.	12, s. 77(1), sch. 5.
c. 44	Finance Act 1954 ...	S. 16(12) rep.	25, s. 97(5) sch. 22 Pt. V.
		S. 17 rep. in pt.	25, ss. 61(9), 97(5), sch. 22 Pt. IV.
		S. 18 restr.	25, s. 73(3)(c).
		S. 18(4) appl.	25, s. 63(4), sch. 15 Pt. II para. 24.

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2 & 3 Eliz. 2: c. 44— <i>cont.</i>	Finance Act 1954— <i>cont.</i>	S. 19 rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 20 appl. (mod.)	25, s. 63(4), sch. 15 Pt. II, para. 20(1).
		S. 30(3) rep. in pt.	25, ss. 88(4), 97(5), sch. 22 Pt. IV.
		Sch. 3 rep. (saving)	25, s. 97(5), sch. 22 Pt. IV.
c. 48	Summary Jurisdiction (Scotland) Act 1954.	S. 23 appl. (mod.)	25, s. 92(7).
		S. 62 excl.	12, s. 42(3)(b), (4).
		S. 76(1)(a) am.	45, s. 8(2).
c. 50	Housing (Repairs and Rents) (Scotland) Act 1954.	Excl. (regulated tenancies) S. 25(2)(d) added	75, s. 2.
		S. 27(3) rep.	75, s. 51, sch. 6 para. 6.
		S. 30(2)(a)(b)(d) am.	75, s. 52(1), sch. 7 Pt. I.
c. 51	Hire-Purchase Act 1954	Rep. (E.)... ..	66, s. 59, sch. 6.
c. 53	Housing Repairs and Rents Act 1954.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		S. 35(3) rep.	75, s. 52(1), sch. 7 Pt. I.
		S. 39(2)(a)(b), (d) am.	75, s. 51, sch. 6 para. 8.
c. 56	Landlord and Tenant Act 1954.	Pt. II (ss. 23–46) saved	75, s. 1(3).
		S. 24 expld.	75, s. 13(5).
		S. 39 saved	56, s. 20(6).
		S. 39(1) am.	56, s. 39(3), sch. 7.
c. 62	Post Office Savings Bank Act 1954.	S. 7(2) am.	32, s. 1(1), sch. 1 Pt. II.
		S. 7(2). Power to am.	32, s. 6.
c. 63	Trustee Savings Banks Act 1954.	S. 21(5) am.	32, s. 1(1), sch. 1 Pt. II.
		S. 21(5). Power to am.	32, s. 6.
c. 65	National Gallery and Tate Gallery Act 1954.	Ss. 2(4), 3, 4(2)–(4) am. (transfer of functions from Treasury to Secy. of State for Educ. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
		Ss. 3(1), 5 ext. (<i>prosp.</i>), sch. 1 rep. in pt. (<i>prosp.</i>)	17, s. 7(2).
c. 73	Town and Country Planning (Scotland) Act 1954.	Pt. II (ss. 16–30) appl.	36, ss. 8, 9, sch. 3 paras. 3, 9.
		S. 19 ext.	36, ss. 8, 9, sch. 3 paras. 3, 9.
		Ss. 23, 24 appl.	36, ss. 8, 9, sch. 3 paras. 3, 9.
3 & 4 Eliz. 2: c. 13	Rural Water Supplies and Sewerage Act 1955.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		S. 1(3) rep. in pt.	80, s. 1(2).

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3 & 4 Eliz. 2— <i>cont.</i>			
c. 14 ...	Imperial War Museum Act 1955.	S. 2(1) am. (transfer of functions from Treasury to Secretary of State for Educn. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
c. 18 ...	Army Act 1955 ...	Contd. until 31.12.1966 S. 70(3)(a) am. (<i>temp.</i>) ...	S.I. No. 2164, 71, ss. 3(2), 4, sch.
c. 18 ...		S. 70(3)(aa) added (<i>temp.</i>) S. 125(2) am. (<i>temp.</i>) ...	71, ss. 1(4), 4, 71, ss. 3(2), 4, sch.
c. 19 ...	Air Force Act 1955 ...	Contd. until 31.12.1966 S. 70(3)(a) am. (<i>temp.</i>) ...	S.I. No. 2163, 71, ss. 3(2), 4, sch.
c. 19 ...		S. 70(3)(aa) added (<i>temp.</i>) S. 125(2) am. (<i>temp.</i>) ...	71, ss. 1(4), 4, 71, ss. 3(2), 4, sch.
c. 21 ...	Crofters (Scotland) Act 1955.	S. 11(7)(a) mod. ...	46, s. 8(3)(a).
c. 21 ...		S. 11(7A) mod. ...	46, s. 8(3)(b).
c. 22 ...	Pensions (India, Pakistan and Burma) Act 1955.	S. 23(3) mod. ...	46, s. 8(3)(a).
c. 22 ...		Ss. 1, 2 am. and expld. (functions transfd. to Min. of Overseas Development).	S.I. No. 1528.
c. 24 ...	Requisitioned Houses and Housing (Amendment) Act 1955.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 24 ...		S. 4 am. ...	75, s. 10(1).
c. 25 ...	Oil in Navigable Waters Act 1955.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 28 ...	Children and Young Persons (Harmful Publications) Act 1955.	Cont. until end of December 1966.	77, s. 1(1), sch.
c. 29 ...	National Insurance Act 1955.	Rep. ...	55, S.L.R.
4 & 5 Eliz. 2:			
c. 8 ...	County Courts Act 1955	S. 8, sch. 1 rep. ...	2, s. 34(1), sch. 2.
c. 9 ...	Rating and Valuation (Miscellaneous Provisions) Act 1955.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 9 ...		S. 6(1) expld. ...	36, s. 3(2).
c. 9 ...		Sch. 3 expld. ...	36, s. 3(4).
c. 9 ...		Sch. 3 para. 4(3) expld. ...	36, s. 3(3).
c. 9 ...		Sch. 3 para. 12 ext. ...	36, s. 3(5).
c. 15 ...	Rural Water Supplies and Sewerage (No. 2) Act 1955.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 15 ...		S. 1(1)(3) rep. ...	80, s. 1(2).
c. 16 ...	Food and Drugs Act 1955	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 17 ...	Finance (No. 2) Act 1955	S. 4 rep. ...	25, ss. 65(1), 97(5), sch. 22 Pt. IV.
c. 17 ...		Sch. 2 para. 3 rep. ...	25, s. 97(5), sch. 22 Pt. V.
c. 17 ...		Sch. 3 rep. ...	25, s. 97(5), sch. 22 Pt. IV.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
4 & 5 Eliz. 2— <i>cont.</i>			
c. 19 ...	Friendly Societies Act 1955.	S. 9(2) rep. in pt. ...	55, S.I.R.
c. 26 ...	Police (Scotland) Act 1956.	Pensions increase ... S. 24 am. ...	78, s. 1, sch. 1 Pt. II para. 3. 44, s. 1, sch. 1 paras. 2, 3.
c. 28 ...	Agricultural Research Act 1956.	Expld. ... S. 1(1) in pt. rep. and superseded. S. 1(2)-(7) rep. ...	4, s. 2(5). 4, ss. 2(4), 6(3), sch. 4. 4, s. 6(3), sch. 4.
c. 33 ...	Housing Subsidies Act 1956	Functions applying to Wales transfd. to Secy. of State. S. 9 am. ...	S.I. No. 319, arts. 2, 9, 10, sch. 1. S.I. No. 654, art. 3(15).
c. 39 ...	Pensions (Increase) Act 1956.	S. 9(2)(a) am. ... S. 1 expld. ... S. 1(1)(a) rep. in pt. ... S. 8(1)(b) rep. (saving) S. 9(1)(b) rep. in pt. ...	59, s. 56(2). 78, s. 2(1). 78, s. 2(5)(b). 78, s. 3(6). 78, s. 2(5)(b).
c. 43 ...	Local Government Elections Act 1956.	Sch. 2 para. 9. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 46 ...	Administration of Justice Act 1956.	S. 31(2) rep. ...	72, s. 45, sch. 2.
c. 47 ...	National Insurance Act 1956.	S. 34(2)(3) rep. ... Rep. ...	2, s. 34(1), sch. 2. 55, S.L.R.
c. 50 ...	Family Allowances and National Insurance Act 1956.	Rep. exc. s. 5 ... S. 5(3)(b) rep. ...	} 55, S.L.R.
c. 51 ...	Workmen's Compensation and Benefit (Supplementation) Act 1956.	Rep. (<i>prosp.</i>) ...	
c. 52 ...	Clean Air Act 1956 ...	Functions applying to Wales (exc. under ss. 1 (2), 4(1), 7(2), 11(4), 17(3), 23(1)(2) and 34 (2)) transfd. (saving) to Secy. of State. S. 34(1) (definition of "hire purchase agreement") am. (E.) ... am. (S.) ...	S.I. No. 319, arts. 2, 9, 10, sch. 1. 66, s. 59, sch. 5. 67, s. 55, sch. 5.
c. 53 ...	Teachers (Superannuation) Act 1956.	S. 2(3)(4) rep. (<i>prosp.</i>) ... S. 3(2) am. (<i>prosp.</i>) ... S. 3(4) rep. (<i>prosp.</i>) ... S. 4(1)(2) am. (<i>prosp.</i>) ... Ss. 5-7 rep. (<i>prosp.</i>) ... S. 8 rep. ...	83, ss. 2(1)(c), 8 (1)(b), sch. 3 Pt. II. 83, s. 2(1)(b), sch. 2 Pt. II. 83, ss. 2(1)(c), 8 (1)(b), sch. 3 Pt. II. 83, s. 2(1)(b), sch. 2 Pt. II para. 6. 83, ss. 2(1)(c), 8 (1)(b), sch. 3 Pt. II. 83, s. 8(1)(a), sch. 3 Pt. I.

Effect of Legislation

Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Teachers (Superannuation) Act 1956— <i>cont.</i>	<p>Ss. 9–23 rep. (<i>prosp.</i>) ...</p> <p>S. 24 rep. ...</p> <p>Ss. 25 rep. (<i>prosp.</i>), 26(2) rep. in pt. (<i>prosp.</i>) 40 rep. in pt. (E.) (<i>prosp.</i>), 41(2) rep. (<i>prosp.</i>), sch. 1 rep. (<i>prosp.</i>) so far as relating to the School Teachers (Superannuation) Act 1918, the Teachers (Superannuation) Act 1925, and rep. (E.) (<i>prosp.</i>) so far as relating to the Teachers (Superannuation) Act 1937, sch. 2 rep. (<i>prosp.</i>).</p>	<p>83, ss. 2(1)(c), 8 (1)(b), sch. 3 Pt. II.</p> <p>55, S.L.R.</p> <p>83, ss. 2(1)(c), 8 (1)(b), sch. 3 Pt. II.</p>
Finance Act 1956 ...	<p>S. 10(3) appl. (mod.) ...</p> <p>S. 17(1)(3) am. ...</p> <p>S. 17(4) rep. in pt. ...</p> <p>S. 17(11) am. ...</p> <p>S. 18 rep. ...</p> <p>S. 24 appl. ...</p> <p>S. 24(2)(5) rep. in pt. ...</p> <p>S. 25 rep. ...</p> <p>Pt. IV (ss. 29–30) rep. ...</p> <p>Sch. 3 Pt. I ext. (<i>retrosp.</i>)</p> <p>Sch. 4 para. 1 rep. ...</p>	<p>25, s. 45(12), sch. 10 Pt. I para. 1.</p> <p>25, s. 63(1), sch. 14 Pt. II para. 10.</p> <p>25, ss. 63(1), 97 (5), schs. 14 Pt. II para. 10 (1), 22 Pt. IV.</p> <p>25, s. 63(1), sch. 14 Pt. II para. 10(3).</p> <p>25, s. 97(5), sch. 22 Pt. IV.</p> <p>25, s. 69(5).</p> <p>25, s. 97(5), sch. 22 Pt. IV.</p> <p>25, s. 97(5), sch. 22 Pt. IV.</p> <p>25, s. 97(5), sch. 22 Pt. V.</p> <p>11, ss. 18, 21(3) (a).</p> <p>25, s. 97(5), sch. 22 Pt. V.</p> <p>4, s. 6(3), sch. 4.</p>
Department of Scientific and Industrial Research Act 1956. Valuation and Rating (Scotland) Act 1956.	<p>Rep. ...</p> <p>S. 24(1) expld. ...</p> <p>Sch. 2 am. ...</p> <p>Sch. 4 expld. ...</p> <p>Sch. 4 para. 5 expld. ...</p> <p>Sch. 4 para. 11 expld. ...</p>	<p>4, s. 6(3), sch. 4.</p> <p>36, ss. 3(2), (12) (b).</p> <p>S.I. No. 404.</p> <p>36, s. 3(4), (12) (b).</p> <p>36, s. 3(3), (12) (b).</p> <p>36, s. 3(5), (12) (b).</p>
Coal Industry Act 1956... Restrictive Trade Practices Act 1956.	<p>Rep. ...</p> <p>Pt. I (ss. 1–23) excl. (E.) (S.).</p> <p>S. 6(8) restr. ...</p>	<p>82, s. 5(3), sch. 2.</p> <p>36, s. 1(8).</p> <p>14, s. 1, sch. 1, para. 3.</p>

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4 & 5 Eliz. 2: c. 68— <i>cont.</i> ...	Restrictive Trade Practices Act 1956— <i>cont.</i>	S. 26(3) am. (E.) ... S. 26(4) am. (S.) ... Ss. 28, 29(5), 30(1) rep....	66, s. 59, sch. 5. 67, s. 55, sch. 5. 50, s. 11(5), sch. 3.
c. 69 ...	Sexual Offences Act 1956	Sch. 1 para. 3 saved ...	75, s. 35(4).
5 & 6 Eliz. 2: c. 11 ...	Homicide Act 1957 ...	Ss. 5–12, 13(1)(2), 15, sch. 1 am. (<i>temp.</i>).	71, ss. 3(2), 4, sch.
c. 17 ...	Rating and Valuation Act 1957.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319 art. 2, sch. 1.
c. 20 ...	House of Commons Disqualification Act 1957.	S. 1(3) am. (<i>retrosp.</i>) ... S. 13(1), so far as defining "Minister of State", am. Sch. 1 Pt. I am. ... Sch. 1 Pt. II rep. in pt. ... Sch. 1 Pt. II am. ... Sch. 1 Pt. III rep. in pt. am. ... Sch. 2 rep. in pt. ... Sch. 3 am. ... Sch. 3 rep. in pt....	10, s. 4(1)(6), sch. 1. 58, s. 9(2). 51, s. 117(3). 4, s. 6(3), sch. 4. 55, S.L.R. 14, s. 1, sch. 1 para. 12. 16, s. 1(6), sch. 1 para. 5. 22, s. 6(1). 46, s. 1(5), sch. 1 para. 6. 52, s. 87(3). 73, s. 2(6). 13 (N.I.), s. 7(3). 4, s. 6(3), sch. 4. 51, s. 117(3). 52, s. 87(3). 11, s. 20(3), sch. 5. 14, s. 1, sch. 1 para. 12. 22, s. 6(1). 73, s. 2(6). 4, s. 6(3), sch. 4. 55, S.L.R.
c. 24 ...	House of Commons Members' Fund Act, 1957.	S. 2 rep. in pt. ...	S.I. No. 654, art. 3, sch. 1.
c. 25 ...	Rent Act 1957 ...	Functions applying to Wales transfd. (saving) to Secy. of State. Excl. (regulated tenancies). S. 5(3)(4) am. ... S. 11(3) rep., 11(7) rep. in pt. Ss. 12, 13(2) rep. ... S. 15 ext. ... S. 20(3) expld. and restr.	S.I. No. 319, arts. 2, 9, 10, sch. 1. 75, s. 2. 75, s. 51, sch. 6 para. 9. 75, ss. 11(1), 52 (1), sch. 7 Pt. I. 75, s. 52(1), sch. 7 Pt. I. 75, s. 38. 75, s. 18(1).

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Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Rent Act 1957— <i>cont.</i> ...	Sch. 2 appl. ... Sch. 2 appl. (<i>prosp.</i>) ... Sch. 4 paras. 1 rep. in pt., 13 rep., sch. 5 paras. 2(1) rep. in pt., 2(2)(b) rep., 3(1) rep. in pt., 4 rep., 5 rep. in pt., 15 rep., sch. 6 paras. 8(3) rep. in pt., 25(1) rep., 25(2) rep. in pt.	75, s. 6(2). 75, s. 28(2). 75, s. 52(1), sch. 7 Pt. I.
National Insurance Act 1957.	Rep. exc. s. 7(2) and sch. paras. 2, 3.	55, S.L.R.
Solicitors Act 1957 ...	Sch. para. 2 rep. (<i>prosp.</i>) S. 2A added (<i>prosp.</i>) ... S. 3(1) subst. (<i>prosp.</i>) ... S. 3(2) rep. (<i>prosp.</i>) ... S. 4(2) am. ... S. 4(4) rep. ... S. 7 am. ... S. 8 rep. (<i>prosp.</i>) ... Ss. 9, 10 subst. (<i>prosp.</i>)... S. 11(1) am. ... rep. in pt. ... S. 12 subst. ... S. 15(5) am. ... S. 23A added ... S. 29 am. ... S. 30 am. (<i>prosp.</i>) ... S. 30(1) subst. (<i>prosp.</i>) ... S. 30(2)(c) am. (<i>prosp.</i>)... S. 30(3)(aa) added (<i>prosp.</i>) S. 30(3)(b) am. (<i>prosp.</i>) ... S. 32 saved (<i>prosp.</i>) ... S. 36(1) am. ... S. 36(2) am. ... S. 37(1) am. ... S. 38(1) subst. (<i>prosp.</i>) ... S. 38(2A) added (<i>prosp.</i>) S. 39(1)(2) am. (<i>prosp.</i>)... Ss. 40–45 rep. (<i>prosp.</i>) ... S. 46(5)(a) am. (<i>prosp.</i>)... S. 46(6) am. (<i>prosp.</i>) ... S. 47 ext. (<i>prosp.</i>) ... S. 47(1)(c) added (<i>prosp.</i>) S. 47(2) am. ... S. 47(2)(bb) added ... S. 48 ext. (<i>prosp.</i>) ... S. 48(1)(2) am. (<i>prosp.</i>), 48(3) added (<i>prosp.</i>). S. 49(2) rep. in pt. (<i>prosp.</i>)	79, s. 4(6), sch. 2. 31, s. 1. 31, s. 2. 31, s. 29(2), sch. 4. 31, s. 3. 31, s. 29(2), sch. 4. 31, s. 27, sch. 2. 31, s. 29(2), sch. 4. 31, s. 4. 31, ss. 5, 27, sch. 2. 31, s. 29(2), sch. 4. 31, s. 6. 31, s. 29(1), sch. 3. 31, s. 7. 31, s. 8. 31, s. 9(4). 31, s. 9(1). 31, s. 9(2). 31, s. 9(3)(a). 31, s. 9(3)(b). 31, s. 15(8). 31, s. 17(1). 31, s. 17(2). 31, s. 27, sch. 2. 31, s. 18(1). 31, s. 18(2). 31, s. 29(1), sch. 3. 31, s. 29(2), sch. 4. 31, s. 19(1). 31, s. 19(2). 31, s. 23. 31, s. 20(1). 31, s. 27, sch. 2. 31, s. 20(2). 31, s. 23. 31, s. 21. 31, ss. 22, 29(2), sch. 4.

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
5 & 6 Eliz. 2: c. 27— <i>cont.</i>	Solicitors Act 1957— <i>cont.</i>	<p>S. 49(3) am. (<i>prosp.</i>), 49(5) added (<i>prosp.</i>). S. 54(1) am. (<i>prosp.</i>) ...</p> <p>S. 73(2) am. S. 75(2) rep. in pt. (<i>prosp.</i>)</p> <p>am. (<i>prosp.</i>) S. 75(3) am. (<i>prosp.</i>) S. 80(2) subst. S. 84(1)(2) am. (<i>prosp.</i>)...</p> <p>S. 86(1) am. rep. in pt.</p> <p>Sch. 1 subst. (<i>prosp.</i>) appl. (mod.)</p> <p>(<i>prosp.</i>). Sch. 2 para. 2 subst. (<i>prosp.</i>). Sch. 2 para. 6(a) am. (<i>prosp.</i>), 6(dd) added (<i>prosp.</i>), 6(f) am. (<i>prosp.</i>). Sch. 2 para. 7(d) am. (<i>prosp.</i>). Sch. 2 para. 7(dd) added (<i>prosp.</i>). S. 1(4) rep.</p>	<p>31, s. 22.</p> <p>31, s. 29(1), sch. 3. S.I. No. 2141. 31, ss. 24(1), 29(2), sch. 4. 31, s. 24(1). 31, s. 24(2). 31, s. 25. 31, s. 29(1), sch. 3. 31, s. 26. 31, s. 29(2), sch. 4. 31, ss. 10–12. 31, s. 13. 31, s. 16(1). 31, s. 16(2). 31, s. 15(7). 31, s. 16(2). 55, S.L.R. 55, S.L.R. 72, s. 45, sch. 2. 74, s. 104(2), sch. 11. S.I. No. 1444, art. 6. 67, s. 55, sch. 5. S.I. No. 319. 58, s. 9(1)(3), sch. 2. S.I. No. 319, arts. 3, 9, 10, sch. 2. 25, s. 10(6). 25, s. 97(5), sch. 22 Pt. II. 25, s. 63(4), sch. 15 Pt. I para. 13. 25, ss. 64(3), 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV.</p>
c. 29	Magistrates' Court Act 1957.	S. 1(4) rep.	55, S.L.R.
c. 34	National Health Service Contributions Act 1957.	Rep.	55, S.L.R.
c. 35	Maintenance Agreements Act 1957.	Rep.	72, s. 45, sch. 2.
c. 37	Superannuation Act 1957	Rep.	74, s. 104(2), sch. 11.
c. 40	Thermal Insulation (Industrial Buildings) Act 1957.	Ss. 2(3), 10 am.	S.I. No. 1444, art. 6.
c. 41	Advertisements (Hire-Purchase) Act 1957.	S. 4(1) am. (S.) so far as defining "hire-purchase".	67, s. 55, sch. 5.
c. 42	Parish Councils Act 1957	Transfer of functions applying to Wales.	S.I. No. 319.
c. 47	Ministerial Salaries Act 1957.	Rep. (with saving for s. 3)	58, s. 9(1)(3), sch. 2.
c. 48	Electricity Act 1957 ...	S. 36. Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 49	Finance Act 1957 ...	<p>S. 13 am. S. 14(1)(d), 14(2)(b)(ia) rep. S. 22 (1A) added</p> <p>Pt. IV (ss. 23–37) rep. ...</p> <p>Schs. 4 rep. exc. para. 4, 5–8 rep.</p>	<p>25, s. 10(6). 25, s. 97(5), sch. 22 Pt. II. 25, s. 63(4), sch. 15 Pt. I para. 13. 25, ss. 64(3), 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV.</p>

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Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Naval Discipline Act 1957	Ss. 42(1)(a)(b), 80(2) a.m. (E.) (S.) (<i>temp.</i>).	71, ss. 3(2), 4, sch.
Housing Act 1957 ...	Functions applying to Wales (exc. under ss. 3 (1), 10(6), 15(1), 81(3), 124, 143(2)(3), 147, 149 (3), sch. 2 para. 3 and sch. 8) transf'd. (saving) to Secy. of State. S. 22(2) saved am. Pt. III (ss. 42-75) ext. ... Ss. 45(3), 73(2), 85(2) saved am. S. 94 am. Ss. 98, 101(2) am. S. 104(3) mod. S. 119(4) rep. S. 144 restr. S. 150. Functions transf'd. S. 158(2) rep. (<i>prosp.</i>) ... S. 190(1) ext. Sch. 1 para. 1(2) rep. ... Sch. 1 para. 3 am. Sch. 2 Pt. II ext.... .. Sch. 2 Pt. II para. 4(1) am. and rep. in pt. Sch. 2 Pt. II para. 5 am. Sch. 2 Pt. II para. 7 appl. Sch. 3 paras. 7(1)(a), 8(1)-(4), (6), (8), 9 rep. Sch. 3 para. 10 am. Sch. 7 para. 1(2) rep. ...	S.I. No. 319, arts. 2, 9, 10, sch. 1. 75, s. 35(5). 75, s. 51, sch. 6 para. 10. 56, s. 34. 75, s. 35(5). 75, s. 51, sch. 6 para. 10. 66, s. 59, sch. 5. 56, s. 39(3), sch. 7. 75, s. 18(1). 12, s. 77(1), sch. 5. 59, s. 22(2). S.I. No. 143, arts. 2, 3(1), sch. 75, s. 52(1), sch. 7 Pt. II. 16, s. 19(6). 56, s. 39(4), sch. 8 Pt. I. 56, s. 39(3), sch. 7. 81, s. 4(2). 81, s. 1. 81, s. 2(1). 81, s. 2(6). 56, s. 39(4), sch. 8 Pt. I. 56, s. 39(3), sch. 7. 56, s. 39(4), sch. 8 Pt. I. 78, s. 1, sch. 1 Pt. I para. 14.
Governors' Pensions Act 1957.	Pensions increase ...	78, s. 1, sch. 1 Pt. I para. 14.
National Insurance (No. 2) Act 1957.	Rep. exc. ss. 3, 4(2), 8 } S. 8(2) and (3) rep. in pt. }	55, S.L.R.
Import Duties Act 1958	Ext. S. 2 am. S. 7(1)(b) rep. in pt. ... S. 7(3) rep. in pt. Sch. 5 para. 2(b) rep. ...	25, s. 2(6). S.I. No. 1954. 25, ss. 2(2), 97(5), sch. 22 Pt. I. 25, ss. 2(3), 97(5), sch. 22 Pt. I. 25, ss. 2(4), 97(5), sch. 22 Pt. I.

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6 & 7 Eliz. 2—			
<i>cont.</i>			
c. 10	British Nationality Act 1958.	S. 3(1)(a) mod.	S.I. No. 1957.
c. 12	New Towns Act 1958 ...	Rep. (E.)... ..	59, s. 56(3), sch. 12.
c. 14	Overseas Service Act 1958	S. 3(2) rep. (saving) ...	10, s. 9(5), sch. 4 Pt. III.
		S. 3(4)(5) rep. (<i>prosp.</i>) ...	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 23	Milford Haven Conservancy Act 1958.	Ss. 4(1)(2), 5(1) ext. ...	S.I. No. 1501.
		S. 7(3) appl.	38, s. 2(7).
		Ss. 4(1)–(3), 5(1)(a)(ii), 6(4), 7(2). Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 24	Land Drainage (Scotland) Act 1958.	Sch. 1 para. 6(b) am. ...	S.I. No. 1075.
c. 28	Solicitors (Scotland) Act 1958.	S. 17(1)(c) subst.	29, s. 2.
c. 30	Land Powers (Defence) Act 1958.	S. 8. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 35	Matrimonial Causes (Property and Maintenance) Act 1958.	Ss. 1–6, sch. rep.	72, s. 45, sch. 2.
c. 40	Matrimonial Proceedings (Children) Act 1958.	Rep. exc. ss. 17, 18.	72, s. 45, sch. 2.
c. 42	Housing (Financial Provisions) Act 1958.	Ss. 17 rep. in pt., 18(4) rep.	
		Functions applying to Wales (exc. under ss. 13(2) prov., 13(4), 23, 30(3), 32(1)(b), 34(2)(3), 36(2), 49(1) and 52) transfd. (saving) to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
		S. 33 ext. (<i>prosp.</i>)	75, s. 26(5), sch. 3 para. 17.
		S. 34 mod.	S.I. No. 654, art. 3(16).
		S. 46(1) mod.	75, s. 18(1).
		S. 58(2) am.	59, s. 41(2), sch. 10 para. 4(2).
c. 45	Prevention of Fraud (Investments) Act 1958.	S. 4 ext.	2, ss. 14, 18.
		S. 4(3) subst.	2, ss. 17(1), 18, sch. 1.
		S. 10 rep.	12, s. 77(1), sch. 5.
c. 54	Divorce (Insanity and Desertion) Act 1958.	Rep.	72, s. 45, sch. 2.
c. 55	Local Government Act 1958.	Functions applying to Wales (exc. under Pt. I, s. 60(2) and schs. 1 and 2) transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
		S. 6(10) rep.	S.I. No. 654.
		S. 11 expld.	36, s. 3(4).
		S. 11(2) expld.	36, s. 3(3).

Effect of Legislation

Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Local Government Act 1958— <i>cont.</i>	S. 11(3) ext. S. 46 ext. Sch. 1 Pt. IV para. 1 am. Sch. 3 am. Sch. 8 paras. 1 and 17 rep. (<i>prosp.</i>)	36, s. 3(6). 42, s. 1(1). S.I. No. 97, art. 6. S.I. Nos. 905, 906. 83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
Finance Act 1958 ...	Ss. 18, 19 rep. Pt. IV (ss. 25–27) rep. ... Sch. 6 para. 2(e) rep. ... Sch. 7 rep.	25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. V.
Merchant Shipping (Liability of Shipowners and Others) Act 1958.	Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
Park Lane Improvement Act 1958.	Sch. para. 6 am. ...	56, s. 39(3), sch. 7.
Local Government and Miscellaneous Financial Provisions (Scotland) Act 1958.	S. 17 paras. (a), (b) and (d) rep.	49, s. 58(2), sch. 2.
Tribunals and Inquiries Act 1958.	Saved Saved (E.) (S.) S. 3 excl. (E.) (S.) S. 9. appl. Sch. 1 Pt. I am.... .. Sch. 1 Pt. II am.	52, s. 55. 51, s. 82. 75, s. 41(2). S.I. No. 2151. S.I. Nos. 276, 1403, 2090, 2151. S.I. Nos. 276, 1403, 2090, 2151.
Water Act 1958... ..	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 5, 9, 10, sch. 3.
Opencast Coal Act 1958	S. 13. Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
Insurance Companies Act 1958.	S. 19(1) subst. S. 20 ext. S. 20(1) subst. Sch. 2 para. 1 ext.	2, ss. 17(1), 18, sch. 1. 2, s. 14(5). 2, ss. 17(1), 18, sch. 1. 2, ss. 14(1), 18.
Armed Forces (Housing Loans) Act 1958.	Ss. 1 rep., 2(1) am. and rep. in pt., 2(3) rep.	9, s. 1(5)(b).
Development of Inventions Act 1958.	Rep.	21, s. 10(2), sch.
Adoption Act 1958 ...	S. 22 am. S. 22(6) rep. in pt. S. 23(3) am. S. 24 saved (S.)	49, s. 58(1), sch. 1 para. 7. 49, s. 58(2), sch. 2. 49, s. 58(1), sch. 1 para. 8. 49, s. 43(1).

Session and Chap. or No. of Measure	Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
7 & 8 Eliz. 2: c. 5— <i>cont.</i>	Adoption Act 1958— <i>cont.</i>	S. 27 am.	49, s. 58(1), sch. 1 para. 9.
c. 18	Family Allowances and National Insurance Act 1959.	S. 36(2)(b) rep. Sch. 2 am. Rep.	55, S.I.R. S.I. No. 1841. 55, S.I.R.
c. 19	Emergency Laws (Repeal) Act 1959.	S. 3 cont. until end of December 1966.	77, s. 1(1), sch.
c. 22	County Courts Act 1959	Ss. 39-41, 44, 45, 47, 80 am. S. 94(1)(b) am.	S.I. No. 2141. 75, s. 51, sch. 6 para. 11.
		S. 108 excl.	12, s. 42(3)(b).
		S. 109(2) am.	73, s. 3(3).
		Ss. 120(3) rep. in pt., 134(1) rep.	2, s. 36(4), sch. 3.
		S. 135 mod.	2, s. 22(3).
		S. 138(3) rep. in pt.	2, s. 22(4).
		S. 146 am.	S.I. No. 2141.
		S. 148(1) am.	2, s. 20(1).
		S. 148(1). Power to am.	2, s. 20(2)(7).
		S. 148(3) am.	2, s. 20(1).
		S. 148(3). Power to am.	2, s. 20(2)(7).
		S. 149(a) expld.	2, s. 20(5)(6).
		S. 150 expld.	2, s. 20(4)(6).
		S. 168(a)-(h) subst.	2, ss. 9(1), 18.
		S. 169 am.	2, ss. 11, 18.
		rep. in pt.	2, s. 36(4), sch. 3.
		S. 171 rep.	2, s. 36(4), sch. 3.
		S. 172 subst.	2, ss. 9(2), 18.
		S. 173 restr.	2, s. 15(3).
		Ss. 174(3) rep., 175 rep. in pt., 176 rep. so far as defining "money in court" and "securities in court".	2, s. 36(4), sch. 3.
		S. 191(1)(b) ext.	2, s. 23(1)(2).
		S. 191(1)(c) expld.	2, s. 23(3)(4).
		S. 199 rep.	2, s. 34(1), sch. 2.
c. 25	Highways Act 1959 ...	Sch. 1 am.	S.I. No. 2141.
		Transfer of functions applying to Wales.	S.I. No. 319.
		Ext.	24, s. 16(2).
		Pt. II (ss. 7-25) appl. in pt.	59, s. 25.
		Ss. 11, 13 saved	24, s. 16(1).
		S. 129 subst.	30, s. 1.
		S. 131(6) mod.	S.I. No. 654, art. 3(17).
		S. 192 excl.	59, s. 48(3).
		S. 215 ext.	24, s. 16(2).
		S. 222(11) am.	56, s. 38(1)(2), sch. 6.
c. 26	Terms and Conditions of Employment Act 1959.	S. 244(3) expld.	63, s. 2(2)(b).
c. 33	House Purchase and Housing Act 1959.	S. 8(1) ext.	62, s. 12(1).
		Functions applying to Wales (exc. under ss. 4 (2), 6(4), 14(5), 15(4) and 18(3)(4)) transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.

Effect of Legislation

Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
House Purchase and Housing Act 1959— <i>cont.</i>	S. 12(1) expld.	75, s. 51, sch. 6 para. 12.
Rating and Valuation Act 1959.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
Deer (Scotland) Act 1959	S. 1(4)(a) am.	4, s. 3(5), sch. 2.
Nuclear Installations (Licensing and Insurance) Act 1959.	Rep.	57, s. 29(1).
National Insurance Act 1959.	Rep.	55, S.L.R.
Pensions (Increase) Act 1959.	Expld.	78, s. 2(1).
	S. 1(2)–(6) appl.... ..	78, s. 1(2).
	S. 2 rep.	78, s. 2(5)(a).
	Ss. 3–6 (exc. ss. 5(3), 6(1)) appl. (mod.).	78, s. 5(2), sch. 2 Pt. I.
	S. 3(3)(a) rep. (saving) (<i>prosp.</i>)	78, s. 3(6).
	S. 5(1)(a) rep. in pt. ...	78, s. 2(5)(b).
	S. 7(1)(b). Pensions increase.	78, s. 1, sch. 1 Pt. I para. 10.
Licensing (Scotland) Act 1959.	Pt. III. Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
Town and Country Planning Act 1959.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
	S. 28(5) am.	56, s. 39(3), sch. 7.
	Ss. 48, 49. Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
Finance Act 1959 ...	S. 23 mod.	25, s. 65(9).
	S. 23(5) rep. in pt. ...	25, s. 97(5), sch. 22 Pt. IV.
	S. 24(1) excl.	25, s. 65(9).
	S. 24(4), (5)(b) rep. ...	25, s. 97(5), sch. 22 Pt. IV.
	S. 26(1) excl.	25, s. 65(9).
	S. 26(1) rep. in pt., 26 (2)–(4) rep.	25, s. 97(5), sch. 22 Pt. IV.
	S. 28(1) appl.	25, s. 69(3)(c).
	S. 33 rep., sch. 5 para. 2 rep.	25, s. 97(5), sch. 22 Pt. V.
New Towns Act 1959 ...	Functions applying to Wales transf'd. (saving) to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
	Rep. (E.) exc. ss. 4, 9(1) (3), 10, 12(1), 14(1) in pt., 14(2)(3), sch. 1 para. 1(10).	59, s. 56(3), sch. 12.
	S. 4(1)–(3) excl.	59, s. 41(2), sch. 10 para. 4(1).
	S. 4(4) excl.	59, s. 41(2), sch. 10 para. 4(1).
	am.	59, s. 56(2).
Colonial Development and Welfare Act 1959.	S. 1(1) ext.	S.I. No. 1501.
	S. 2 restr.	38, s. 1(4)(5).
	S. 2(1) ext.	S.I. No. 1501.

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7 & 8 Eliz. 2: c. 71— <i>cont.</i>	Colonial Development and Welfare Act 1959— <i>cont.</i>	S. 2(5) expld. S. 4 rep. and superseded	38 s. 1(7). 38, ss. 1(1)–(3), (6), 3(3), sch.
c. 72	Mental Health Act 1959	S. 7 rep. S. 103(1)(a) am.... ..	38, s. 3(3), sch. 2, ss. 17(1), 18, sch. 1.
		S. 138 ext. (<i>retrosp.</i>) ...	11, ss. 12(2), 21 (3)(a).
		Sch. 5 rep. so far as relating to the Industrial and Provident Societies Act 1893 (c. 39).	12, s. 77(1), sch. 5.
		Sch. 7 Pt. I rep. so far as amending s. 149 of 1925 c. 49.	2, s. 36(4), sch. 3.
		Sch. 7 Pt. I rep. (<i>prosp.</i>) so far as relating to the Teachers (Superannuation) Act 1945.	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
		Sch. 7 Pt. I rep. so far as relating to the Matrimonial Causes Act 1950 (c. 25).	72, s. 45, sch. 2.
c. 73	Legitimacy Act 1959 ...	S. 2(6) rep.	72, s. 45, sch. 2.
8 & 9 Eliz. 2: c. 1	Mr. Speaker Morrison's Retirement Act 1959.	Pensions increase ...	78, ss. 1, 4(4), sch. 1 Pt. I para. 27.
c. 5	Atomic Energy Authority Act 1959.	S. 2 rep. (saving) (<i>prosp.</i>)	4, s. 6(3), sch. 4.
c. 9	Judicial Pensions Act 1959.	Pensions increase ...	78, s. 1, sch. 1 Pt. I para. 24.
		S. 5 rep. so far as relating to pension for service as Lord Chancellor of person resigning that office after 31.3.1966.	61, s. 5(3), sch. 3.
c. 11	Foreign Service Act 1960	Rep.	74, s. 104(2), sch. 11.
c. 16	Road Traffic Act 1960 ...	Excl. in pt. Ss. 12, 20–22, 26–29, 36–38, 40, 41, 43, 44–46, 48–50, 51 in pt., 52(1) in pt., 52(2), 56–59, 63, 75, 76, 78, 81(1), 85–92, 222, 224(1)(2), 248, 249, 260, schs. 6, 9, 10, 20 para. 5. Functions applying to Wales transfd. (saving) to Secy. of State.	S.I. No. 1536. S.I. No. 319, arts. 3, 9, 10, sch. 2.
		S. 36(2) ext.	24, s. 8(1)(2).
		S. 37 ext.	24, s. 8(3).
		S. 75(5) am.	S.I. No. 602, art. 6.

Effect of Legislation

Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Road Traffic Act 1960— <i>cont.</i>	S. 84. Functions transfd. to Bd. of Trade. S. 84 rep. in pt.	S.I. No. 145, arts. 2, 3, sch. 1. S.I. No. 145, art. 3, sch. 2.
	S. 91(2). Functions applying to Wales transfd. to Secy. of State. Pt. VI (ss. 201–216) excl. S. 202 ext. S. 202(1) rep. in pt. S. 204 ext. S. 204(2) rep. in pt.	S.I. No. 319, arts. 2, 9, 10, sch. 1. 57, s. 21(5). 2, ss. 14(1), 18. 2, s. 36(4), sch. 3. 2, s. 14(1), 18. 2, ss. 36(4), sch. 3.
	S. 210 ext. S. 210(2) expld.	2, s. 14(5). 2, ss. 17(1), 18, sch. 1.
	S. 217 am. (S.)	44, s. 1, sch. 1 paras. 2, 3.
Coal Industry Act 1960...	Rep.	82, s. 5(3), sch. 2.
Local Employment Act 1960.	S. 5. Functions applying to Wales transfd. to Secy. of State. S. 9(5) am. (S.) S. 10 restr. (S.) S. 19(2) am., 19(2A), (2B), (2C), (2D) added, 19(3) rep. in pt. S. 19(2). Power to am....	S.I. No. 319, arts. 2, 9, 10, sch. 1. 46, s. 5(5). 46, s. 13(6). 33, s. 21. 33, s. 19(1)(5).
Requisitioned Houses Act 1960.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
Population (Statistics) Act 1960.	Ss. 3 rep., 4 rep. in pt. ...	49, s. 58(2), sch. 2.
Radioactive Substances Act 1960.	Functions applying to Wales (exc. under ss. 2(6), 4(2), 6(5), 7(4), 10(1)–(3), 12(1), 15(2) and 18(6)) transfd. (saving) to Secy. of State. Ss. 6, 8 saved	S.I. No. 319, arts. 2, 9, 10, sch. 1. 57, s. 4(1)(d).
Merchant Shipping (Minicoy Lighthouse) Act 1960.	Functions transfd. to Bd. of Trade.	S.I. No. 145 arts. 2, 3, sch. 1.
Finance Act 1960 ...	S. 10(2) rep. S. 19 rep. S. 20(1) rep. in pt., 20(2) rep. S. 25(4) proviso rep. in pt. S. 25(6) am. S. 27(1) am.	25, s. 97(5), sch. 22 Pt. I. 25, ss. 10(4), 97(5), sch. 22 Pt. II. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 63(4), sch. 15 Pt. I para. 14. 25, s. 85(10), sch. 12 Pt. I para. 1(4).

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8 & 9 Eliz. 2: c. 44— <i>cont.</i>	<i>Finance Act 1960—cont.</i>	S. 28(2) am., 28(11) proviso subst., 29 am.	25, s. 63(4), sch. 15 Pt. I para. 15.
		S. 33(4) am.	25, s. 63(4), sch. 15 Pt. I para. 16.
		S. 43(4)(g) am.	25, s. 63(4), sch. 15 Pt. I para. 15.
		Pt. III (ss. 44-63) appl. (mod.).	25, s. 45(12), sch. 10 Pt. I para. 1.
		Ss. 46, 47 ext. (E.) (S.) ...	51, s. 15(3).
		S. 62 rep.	55, S.L.R.
		S. 69 appl. (mod.)	25, s. 67(1).
		S. 69(1) saved	25, s. 89(4).
		S. 70 rep.	25, s. 97(5), sch. 22 Pt. V.
		S. 72(2) mod.	25, s. 56(8).
		am.	25, s. 57(5).
		S. 72(3) am. and rep. in pt.	25, s. 63(1), sch. 14 Pt. III para. 15.
		S. 72(4) rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
		S. 72(7) am.	25, s. 63(1), sch. 14 Pt. III para. 15.
		S. 72(8) am.	25, s. 63(1), sch. 14 Pt. III para. 15.
		rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
		S. 72(9) rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 72(11) am.	25, s. 63(1), sch. 14 Pt. III para. 15.
		rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
		S. 73(3) am.	25, s. 35(3).
		Sch. 3 rep.	25, s. 97(5), sch. 22 Pt. II.
		Sch. 6 am.	25, ss. 15(4), 45(12), sch. 10 Pt. II paras. 7(8), 11(2).
c. 46	Corporate Bodies' Contracts Act 1960.	Saved (E. and W.)	12, s. 29(3).
c. 48	Matrimonial Proceedings (Magistrates' Courts) Act 1960.	Expld.	72, s. 42(2).
c. 54	Clean Rivers (Estuaries and Tidal Waters) Act 1960.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 58	Charities Act 1960	Sch. 2 para. (h) added ...	17, s. 11.
c. 61	Mental Health (Scotland) Act 1960.	Sch. 4 rep. so far as relating to the Matrimonial Causes Act 1950 (c. 25).	72, s. 45, sch. 2.

Effect of Legislation

Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Caravan Sites and Control of Development Act 1960.	Functions applying to Wales (exc. under s. 5 (6)) transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
Road Traffic and Roads Improvement Act 1960.	Ss. 3, 5, 11, 13, 15. Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
Noise Abatement Act 1960.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
Road Traffic (Driving of Motor Cycles) Act 1960	S. 2 excl.	S.I. No. 1536.
National Insurance Act 1960.	Rep.	55, S.L.R.
Ministers of the Crown (Parliamentary Secretaries) Act 1960.	S. 3 rep., sch. 1 rep. in pt. (in pt., the amdt. of the Ministry of National Insurance Act 1944, the amdt. of the Ministry of Fuel and Power Act 1945 and of the Ministerial Salaries Act 1946).	11, s. 20(3), sch. 5.
Electricity (Amendment) Act 1961.	S. 1(6) am. (definition of "nuclear reactor" subst.).	6, s. 17(2).
Agricultural Research etc. (Pensions) Act 1961.	S. 1(2) rep. in pt. ...	4, s. 6(3), sch. 4.
Overseas Service Act 1961	Rep. and superseded ...	38, ss. 2, 3(3), sch.
National Health Service Contributions Act 1961.	Rep.	55, S.L.R.
Post Office Act 1961 ...	S. 1 excl. (E.) (S.) ... S. 19(2) rep. S. 15(1) am. rep. in pt.	62, s. 55(4). 55, S.L.R. 74, s. 103, sch. 9. 74, s. 104(2), sch. 11. 55, S.L.R.
Carriage by Air Act 1961	Saved	57, s. 12(4)(b).
Industrial and Provident Societies Act 1961.	Rep.	12, s. 77(1), sch. 5.
Rural Water Supplies and Sewerage Act 1961.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
Department of Technical Co-operation Act 1961.	Rep.	11, s. 20(2)(3), sch. 5.
Land Compensation Act 1961.	Functions applying to Wales transf'd. to Secy. of State. Mod. Appl.	S.I. No. 319, art. 2, sch. 1. 59, s. 12(2), sch. 6 Pt. II. 59, s. 14(5).

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9 & 10 Eliz. 2: c. 33— <i>cont.</i>	Land Compensation Act 1961— <i>cont.</i>	Ss. 2, 4 appl. (mod.) S. 5 appl. (mod.) ... S. 19(1) am. ... S. 24(4)(5) mod. ... S. 31 restr. ... S. 32 appl. ... Sch. 4 paras. 1-5 rep. ...	36, s. 23(2). 59, s. 13(1), sch. 5 para. 3. 36, s. 23(3). 56, s. 39(3), sch. 7. S.I. No. 654, art. 3(18). 59, s. 16(1), sch. 7 para. 5. 36, s. 11(1). 59, s. 56(3), sch. 12.
c. 34 ...	Factories Act 1961 ...	S. 46(5). Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 36 ...	Finance Act 1961 ...	S. 9 am. ... S. 29 rep. ... S. 30 rep., sch. 3 paras. 1 and 2(1) rep. in pt., sch. 5 rep.	25, s. 4. 25, s. 97(5), sch. 22 Pt. IV. 55, S.L.R.
c. 39 ...	Criminal Justice Act 1961	Sch. 4 rep. so far as amdg. 1945, c. 41.	55, S.L.R.
c. 40 ...	Consumer Protection Act 1961.	S. 5 am. (E.) (definition of "hire - purchase agreement"). am. (S.) (definitions of "credit-sale agreement" and "hire-purchase agreement"). rep. (S.) so far as defining "Act of 1932"	66, s. 59, sch. 5. 67, s. 55, sch. 5. 67, s. 55, sch. 6.
c. 42 ...	Sheriffs' Pensions (Scotland) Act 1961.	S. 1. Pensions increase	78, s. 1, sch. 1 Pt. I para. 18.
c. 45 ...	Rating and Valuation Act 1961.	Functions applying to Wales (exc. under ss. 2-5, 11(3), (15)) transfd. (saving) to Secy. of State. S. 2(2) am. ...	S.I. No. 319, art. 2, sch. 1.
c. 50 ...	Rivers (Prevention of Pollution) Act 1961.	Sch. 1 para. 5 added ...	S.I. No. 1726.
c. 53 ...	North Atlantic Shipping Act 1961.	S. 14(3) added ...	S.I. No. 654, art. 3(20).
c. 55 ...	North Atlantic Shipping Act 1961.	Functions transfd. to Bd. of Trade. S. 8(1). Functions transferred (saving) (exc. for Wales), to Min. of Land and Natural Resources: (for Wales) to Secy. of State.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 58 ...	Crown Estate Act 1961...	S. 6(3) mod. ...	S.I. No. 319, arts. 4, 9, 10.
c. 58 ...	Crofters (Scotland) Act 1961.	S. 6(3) mod. ...	46, s. 8(3)(b).
c. 62 ...	Trustee Investments Act 1961.	Ss. 1-6 appl. ...	12, s. 31.
c. 63 ...	Trustee Investments Act 1961.	Ss. 1, 2, 5, 6, 12, 13 appl.	14, s. 18(3).
c. 63 ...	Highways (Miscellaneous Provisions) Act 1961.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.

Effect of Legislation

Short title or Subject	How affected	Chapter of 1965 Act or number of Measure or Statutory Instrument
Public Health Act 1961...	Transfer of functions applying to Wales to Secy. of State. Power to apply (mod.)... Pt. II. Apptd. day for commencement of provisions relating to building regulations (1.2.1966). S. 60 am. S. 84(1) rep. in pt. ...	S.I. No. 319. 59, s. 34(3). S.I. No. 1374. S.I. No. 654, art. 24(2)(c). 59, s. 56(3), sch. 12.
Housing Act 1961 ...	Functions applying to Wales (exc. under s. 13) transfd. (saving) to Secy. of State. Sch. 2 para. 16 rep. ...	S.I. No. 319, arts. 2, 9, 10, sch. 1. 59, s. 56(3), sch. 12.
Coal Industry Act 1961... Family Allowances and National Insurance Act 1961.	Rep. Rep. exc. ss. 1, 3(4), 14(5) and sch. 1. S. 1 rep. (<i>prosp.</i>) ... S. 3(4) rep. in pt. ... rep. in pt. (<i>prosp.</i>) ... S. 14(5) rep. in pt. ... Sch. 1 rep. (<i>prosp.</i>) ... S. 3 para. (a) expld. ... ext. ...	82, s. 5(3), sch. 2. 55, S.L.R. 79, s. 4(6), sch. 2. 55, S.L.R. 79, s. 4(6), sch. 2. 55, S.L.R. 79, s. 4(6), sch. 2. 36, s. 3(3)(12)(a). 36, s. 3(6)(12)(a).
Local Government (Financial Provisions etc.) (Scotland) Act 1962. Education Act 1962 ... Vehicles (Excise) Act 1962	S. 9 saved S. 6(1)(j)(k) added ... S. 6(8) am. S. 7 ext. (E.) S. 9 am. S. 12(5) am. S. 12(9) ext. (E.) ... S. 24(1) (definition of "hackney carriage"): am. (E.) am. (S.) Sch. 1 Pt. I para. 1 rep. in pt. Sch. 1 Pt. I para. 3 rep. in pt. and am. Sch. 1 Pt. II am. ... Sch. 3 Pt. I para. 2 expld. Sch. 3 Pt. I para. 4A added. Sch. 3 Pt. II am. ... Sch. 4 Pt. I para. 1(2) expld.	53, s. 2(2). 25, s. 6(1). 25, s. 6(1). 25, s. 7. 25, s. 5(7). 25, s. 5(2). 25, s. 7. 66, s. 59, sch. 5. 67, s. 55, sch. 5. 25, s. 97(5), sch. 22 Pt. I. 25, s. 5(3), sch. 5 Pt. V para. 1. 25, s. 5(1), sch. 5 Pt. I. 25, s. 6(3). 25, s. 5(3), sch. 5 Pt. V para. 2. 25, s. 5(1), sch. 5 Pts. II, VI. 25, s. 6(2).

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10 & 11 Eliz. 2: c. 13— <i>cont.</i>	Vehicles (Excise) Act 1962— <i>cont.</i>	Sch. 4 Pt. I para. 2(c) am. Sch. 4 Pt. I para. 2(d) rep. in pt. Sch. 4 Pt. I para. 4(2) rep. Sch. 4 Pt. I para. 7(1): rep. in pt. am. Sch. 4 Pt. II am. Sch. 5 Pt. II am.	25, s. 5(3), sch. 5 Pt. V para. 3. 25, ss. 5(4), 97(5), sch. 22 Pt. I. 25, s. 97(5), sch. 22 Pt. I. 25, s. 97(5), sch. 22 Pt. I. 25, s. 5(3), sch. 5 Pt. V para. 3. 25, s. 5(1), sch. 5 Pt. III. 25, s. 5(1), sch. 5 Pt. IV.
c. 15	Criminal Justice Administration Act 1962.	S. 1 rep. S. 4(5) am. Sch. 4 rep. in pt.	61, s. 5(3), sch. 3. 69, s. 3(3). 61, s. 5(3), sch. 3.
c. 21	Commonwealth Immigrants Act 1962.	Pt. I, sch. 1 cont. until end of December 1966. S. 1 mod. S. 20(1) rep. in pt.	77, s. 1(1), sch. S.I. No. 1956. 72, s. 45, sch. 2.
c. 23	South Africa Act 1962 ...	Sch. 3 para. 10(1)(2) both rep. in pt. (<i>prosp.</i>).	83, ss. 2(1)(c), 8(1)(b), sch. 3 Pt. II.
c. 28	Housing (Scotland) Act 1962.	S. 15 expld.	75, s. 51, sch. 6 para. 13.
c. 30	Northern Ireland Act 1962.	S. 18(1) proviso (i) am.... S. 10(1)–(4). Apptd. day (15.9.1965).	40, s. 1. S.I. No. 1308.
c. 33	Health Visiting and Social Work (Training) Act 1962.	Sch. 1 paras. 3(d) subst., 4(d) subst.	S.I. No. 602, art. 7(1).
c. 36	Local Authorities (Historic Buildings) Act 1962.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 37	Building Societies Act 1962.	S. 46(1) am. rep. in pt. S. 46(1). Power to am. ... S. 46(2)(3) am. rep. in pt.	32, s. 1(1), sch. 1 Pt. I. 32, ss. 3, 7(6), schs. 3, 4. 32, s. 6. 32, s. 3, sch. 3. 32, ss. 3, 7(6), schs. 3, 4.
c. 38	Town and Country Planning Act 1962.	Sch. 3 paras. 10, 11 added Transfer of functions in pt. to Min. of Land and Natural Resources. Transfer of functions applying to Wales to Secy. of State. Appl. (mod.) (<i>temp.</i>) ... S. 14. Power to appl. (mod.). S. 14 saved S. 20 ext. (<i>temp.</i>) S. 20(1) expld. (<i>temp.</i>) ... S. 23 mod. (<i>temp.</i>) ext. (<i>temp.</i>)	S.I. No. 1463. S.I. No. 143, arts. 2, 3(1). S.I. No. 319. 33, ss. 5(3), 6(3). 36, ss. 8, 9, sch. 3 para. 7(2). 59, s. 6(2). 33, ss. 11, 16(7). 33, s. 8(9). 33, s. 8(2). 33, s. 8(3)(b).

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iz. 2: ont.	Town and Country Plan- ning Act 1962— <i>cont.</i>	<p>Ss. 25, 26 appl.</p> <p>S. 38 saved and appl. (<i>temp.</i>).</p> <p>S. 38(1) mod.</p> <p>S. 39 saved and appl. (<i>temp.</i>).</p> <p>S. 39(1) am., 39(3) rep. in pt., 39(4)–(7) added.</p> <p>S. 39(1). Power to am....</p> <p>S. 41 expld.</p> <p>Pt. IV ext. (<i>temp.</i>)</p> <p>S. 45(5) mod. (<i>temp.</i>)</p> <p>S. 46 mod. (<i>temp.</i>)</p> <p>S. 46(1) mod. (<i>temp.</i>)</p> <p>S. 46(3) mod. (<i>temp.</i>)</p> <p>S. 67(2)(c). Functions transfd. to Bd. of Trade.</p> <p>S. 71(3) subst.</p> <p>S. 73(4) am.</p> <p>S. 75(2)(6) am.</p> <p>S. 75(7) rep. in pt.</p> <p>S. 81(3) am.</p> <p>S. 82 ext.</p> <p>S. 84(4) rep. (<i>prosp.</i>)</p> <p>S. 86(6) am.</p> <p style="padding-left: 40px;">rep. in pt.</p> <p>Pt. VI appl.</p> <p>Pts. VI, VII excl. (<i>temp.</i>)</p> <p>S. 100 ext.</p> <p>S. 129(1)(b) mod. (<i>temp.</i>)</p> <p>S. 132 mod.</p> <p>Pt. X. Functions transfd. to Bd. of Trade.</p> <p>Pt. X excl. (<i>temp.</i>)</p> <p>S. 177(1) ext. (<i>temp.</i>)</p> <p>S. 199(1)(b) expld.</p> <p>S. 207(4) appl. (<i>temp.</i>)</p> <p>S. 214 ext. (<i>temp.</i>)</p> <p>S. 221(1) am.</p> <p style="padding-left: 40px;">appl. (mod.)</p> <p>S. 221(4)(5) appl. (mod.)</p> <p>Sch. 4 para. 4 am.</p> <p>Sch. 4 para. 6(3) rep.</p>	<p>36, ss. 8, 9, sch. 3 para. 3.</p> <p>33, s. 5(1).</p> <p>33, s. 19(4).</p> <p>33, s. 5(1).</p> <p>33, s. 20.</p> <p>33, s. 19.</p> <p>36, s. 4(6).</p> <p>33, s. 3(5)(b).</p> <p>33, s. 9(4).</p> <p>33, s. 8(4).</p> <p>33, s. 9(5)(6).</p> <p>33, s. 9(4).</p> <p>S.I. No. 145, arts. 2, 3, sch. 1.</p> <p>56, s. 38(1)(2), sch. 6.</p> <p>56, s. 39(3), sch. 7.</p> <p>56, s. 39(3), sch. 7.</p> <p>56, s. 39(4), sch. 8 Pt. I.</p> <p>56, s. 39(3), sch. 7.</p> <p>16, s. 17(6).</p> <p>75, s. 52(1), sch. 7 Pt. II.</p> <p>56, s. 39(3), sch. 7.</p> <p>56, s. 39(4), sch. 8 Pt. I.</p> <p>36, ss. 8, 9, sch. 3 para. 3.</p> <p>33, s. 8(5).</p> <p>36, ss. 8, 9, sch. 3 para. 3.</p> <p>33, s. 8(6).</p> <p>33, ss. 12, 18.</p> <p>S.I. No. 145, arts. 2, 3, sch. 1.</p> <p>33, s. 8(5).</p> <p>33, s. 9(6).</p> <p>33, s. 25(4).</p> <p>33, s. 9(2).</p> <p>33, s. 13.</p> <p>16, s. 19(1).</p> <p>33, s. 16(4).</p> <p>33, s. 16(4).</p> <p>56, s. 39(3), sch. 7.</p> <p>56, s. 39(4), sch. 8 Pt. I.</p>

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10 & 11 Eliz. 2: c. 38— <i>cont.</i>	Town and Country Planning Act 1962— <i>cont.</i>	Sch. 4 paras. 7–11 am.... Sch. 14 para. 47 rep. ... Sch. 14 para. 51(b). Transfer of functions to Bd. of Trade.	56, s. 39(3), sch. 7. 59, s. 56(3), sch. 12. S.I. No. 145, arts. 2, 3, sch. 1.
c. 43	Carriage by Air (Supplementary Provisions) Act 1962.	Saved	6, s. 4(4). 57, s. 12(4)(b).
c. 44	Finance Act 1962 ...	S. 9 am. Pt. II Chapter II (ss. 10–16) expld. S. 10(1) proviso rep. in pt. S. 10(2) rep. in pt. ... am. S. 10(4) saved and expld. S. 10(7) rep. S. 11(1) rep. in pt. and am. S. 11(2)(4)(5) rep., 11(7) rep. in pt. S. 12(4)–(6) am. S. 12(5) ext. S. 12(8) rep. in pt. S. 13(3) appl. S. 14 rep. (saving) S. 15(1) rep. in pt., 15(4)(5)(7) rep. Ss. 19, 20 rep. S. 22 appl. Ss. 23(7) rep., 24(11) rep. in pt. S. 33(3) ext. Sch. 9 para. 3(4) rep., 3(5) rep. in pt. Sch. 9 para. 5(4) rep. in pt. Sch. 9 para. 6(1) am. Sch. 9 para. 6(2) rep., 6(3) rep. in pt. Sch. 9 para. 8(6)(a) am. Sch. 9 para. 9(1) expld. Sch. 9 para. 10(3) am. Sch. 9 para. 10(4) am. Sch. 9 paras. 12(3)(4) rep., 14(3) rep. in pt.	25, s. 10(7)(8). 25, s. 94(3). 25, s. 97(5), sch. 22 Pt. III. 25, s. 97(5), sch. 22 Pt. III. 25, s. 17(1). 25, s. 18(2). 25, ss. 82(2), 97(5), sch. 22 Pt. V. 25, ss. 17(2), 97(5), sch. 22 Pt. III. 25, s. 97(5), sch. 22 Pt. III. 25, s. 17(10). 25, s. 94(1). 25, s. 97(5), sch. 22 Pt. III. 25, s. 22(9), sch. 6 Pt. I para. 3(7). 25, ss. 17(1)(14), 82(2), 97(5), sch. 22 Pt. III. 25, s. 97(5), sch. 22 Pt. III. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 63(4), sch. 15 Pt. I para. 17. 25, s. 97(5), sch. 22 Pt. V. 74, s. 104(1), sch. 10 para. 6(3). 25, s. 97(5), sch. 22 Pt. III. 25, s. 97(5), sch. 22 Pt. III. 25, s. 17(11)(a). 25, s. 97(5), sch. 22 Pt. III. 25, s. 17(11)(b). 25, s. 17(11)(c). 25, s. 17(11)(d). 25, s. 17(11)(e). 25, s. 97(5), sch. 22 Pt. III.

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Finance Act 1962— <i>cont.</i>	Sch. 9 para. 17(3)(a)(i) rep. Sch. 9 para. 17(4) rep. ...	25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. III.
Transport Act 1962 ...	Sch. 9 para. 20(4) am. ... S. 63(6)(c). Functions applying to Wales transfd. to Secy. of State. S. 74(6)(c) am. ... S. 74(9) rep. in pt. ... Sch. 7 para. 17(3) am. ...	25, s. 17(11)(f). S.I. No. 319. 62, s. 44, sch. 7. 55, S.L.R. 62, s. 44, sch. 7. 19, s. 16(2).
Education (Scotland) Act 1962.	Ext. (meaning of "certificated teacher") (<i>prosp.</i>) S. 81 ext. ... am. ... S. 81(1)(a) rep. (<i>prosp.</i>), 81(3) rep. in pt. (<i>prosp.</i>). S. 105(8) rep. ... S. 144 ext. ... S. 144(2) ext. ... Sch. 3 para. 20 am. ... S. 4 am. ...	19, s. 4. 19, s. 5(1). 19, s. 16(1). 55, S.I.R. 19, s. 7(8). 19, s. 7(5)(7)(9). 7, s. 1. 44, s. 9(1).
Air Guns and Shot Guns, etc., Act 1962.		
Local Government (Records) Act 1962.	Functions applying to Wales transfd. to Secy. of State.	S.J. No. 319, art. 2, sch. 1.
Pipe-lines Act 1962 ...	Functions applying to Wales transfd. to Secy. of State. Certain functions transfd. to Bd. of Trade. S. 11 ext. (E.) ... S. 41 am. ... S. 55 rep. ... Sch. 3 paras. 1, 2 rep. ...	S.I. No. 319. S.I. No. 145. 56, s. 37. 36, s. 3(7). 43, s. 2(4), sch. 8 56, s. 39(4), sch. 8 Pt. I.
Road Traffic Act 1962 ...	Ss. 11, 13, 28, 32, 36, 37. Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
Pensions (Increase) Act 1962.	Expld. ... S. 1 am. ... S. 3 appl. (mod.) ... S. 3(4)(a) rep., 3(4)(b) am. Sch. 1 para. 2 rep. in pt. Sch. 3 para. 6 added ...	78, s. 2(1). 78, s. 4(4). 78, s. 5(2), sch. 2 Pt. II. 78, s. 4(5)(a). 78, s. 4(5)(b). 78, s. 4(6). 82, s. 5(3), sch. 2.
Coal Industry Act 1962...	Ss. 1(1)–(3), (9), 3 rep. ...	
National Insurance Act 1963.	Rep. exc. s. 5 ... S. 5 rep. (<i>prosp.</i>) ...	55, S.L.R. 79, s. 4(6), sch. 2.
Purchase Tax Act 1963...	Sch. 1 groups 11, 20 am. Sch. 2 para. 3A added ... S. 23. Apptd. day (1.6.1965).	S.I. No. 1386. 25, s. 3. S.I. No. 999.
Agriculture (Miscellaneous Provisions) Act 1963.		

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1963— <i>cont.</i>			
c. 12	Local Government (Financial Provisions) (Scotland) Act 1963.	S. 12 expld.	36, s. 3(4).
c. 17	Town and Country Planning Act 1963.	Functions applying to Wales transfd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 20	Remuneration of Teachers Act 1963.	Rep.	3, s. 7(6)(7).
c. 24	British Museum Act 1963.	Ss. 1(1)(c), 8(2)(b), 10(2) am. (transfer of functions from Treasury to Secretary of State for Educ. and Science).	S.I. No. 603, arts. 2(1), 3, sch.
		S. 6(3) rep.	74, s. 104(2), sch. 11.
		S. 9 ext. (<i>prosp.</i>)	17, s. 7(2).
		S. 13(4) rep.	74, s. 104(2), sch. 11.
c. 25	Finance Act 1963	Certain functions applying to Wales transfd. to Secy. of State.	S.I. No. 319.
		S. 12(1)(4) rep., 12(6) rep. in pt., 12(8) rep.	25, s. 97(5), sch. 22 Pt. II.
		S. 22(2) ext.	25, s. 22, sch. 8 para. 7.
		S. 24(2)(b) ext.	25, s. 22, sch. 8 para. 6(3).
		S. 29(4) am. (<i>retrosp.</i>)	25, s. 16.
		S. 35 excl.	25, s. 14(1)(2).
		S. 37 expld.	25, s. 63(1), sch. 14 Pt. IV para. 18(2).
		S. 37(1) am.	25, s. 63(1), sch. 14 Pt. IV para. 18(1).
		S. 41(1) rep. in pt. (saving)	25, s. 97(5), sch. 22 Pt. II.
		S. 41(1) am.	25, s. 13(3).
		S. 41(2) rep. (saving)	25, ss. 13(3), 97(5), sch. 22 Pt. II.
		S. 41(3)(b) am.	25, s. 13(3).
		S. 41(4) rep. in pt. (saving)	25, s. 97(5), sch. 22 Pt. II.
		S. 41(6) am.	25, s. 13(3).
		S. 41(7) rep. in pt. (saving)	25, s. 97(5), sch. 22 Pt. II.
		S. 45 rep.	25, s. 97(5), sch. 22 Pt. IV.
		S. 50 appl.	25, s. 47(4).
		S. 69 rep.	25, s. 97(5), sch. 22 Pt. V.
		Sch. 3 rep.	25, s. 97(5), sch. 22 Pt. II.
		Sch. 4 para. 7 expld.	25, s. 63(4), sch. 15 Pt. II para. 25.
		Sch. 4 para. 9(1) ext.	25, s. 22, sch. 8 para. 6(1).
		Sch. 4 para. 11 am. (<i>retrosp.</i>).	25, s. 16.

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1963: c. 25— <i>cont.</i>	Finance Act 1963— <i>cont.</i>	Sch. 4 paras. 15(1), 16 am., 17(3)(b) excl.	25, s. 63(4), sch. 15 Pt. I para. 18.
		Sch. 8 expld.	25, s. 61(5).
		Sch. 8 para. 5(a) excl. ...	25, s. 63(4), sch. 15 Pt. I para. 19.
		Sch. 10 appl. (mod.) ...	25, s. 70(6).
		Sch. 12 paras. 14 rep., 18 rep. in pt.	25, s. 97(5), sch. 22 Pt. IV.
c. 27	Oaths and Evidence (Overseas Authorities and Countries) Act 1963.	Ss. 1, 2, 4, 6 ext. (Isle of Man).	S.I. No. 1129.
c. 28	Oil in Navigable Waters Act 1963.	Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 29	Local Authorities (Land) Act 1963.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 32	Public Lavatories (Turnstiles) Act 1963.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
c. 33	London Government Act 1963.	S. 10 excl.	S.I. No. 1536, art. 8.
		S. 53 am.	S.I. No. 654, art. 3(21).
		S. 89(1) am.	xxxix, s. 31.
		Sch. 2 paras. 1(4) added, 11(2)(cc) added, sch. 4 paras. 9A added, 10(a) am., 17A added.	xx, s. 7.
		Schs. 7, 10 am.	S.I. No. 654, art. 3(21).
c. 36	Deer Act 1963	S. 11 am. and expld. ...	4, s. 3(5), sch. 2.
c. 37	Children and Young Persons Act 1963.	Sch. 3 para. 37 rep. ...	55, S.L.R.
c. 38	Water Resources Act 1963.	Ss. 1 subst., 6, 11-13, 16 am.	S.I. No. 319, art. 5, sch. 3 para. 2.
		S. 19(4)(d)(e). Transfer of functions to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
		Pt. IV appl.	36, ss. 13(5), 23(5), sch. 4 para. 8.
		Ss. 36, 57, 60, 66 am. ...	S.I. No. 319, art. 5, sch. 3 para. 2.
		S. 66(5) am.	56, s. 39(3), sch. 7.
		S. 67 ext.	56, s. 36.
		S. 67(2) am.	56, s. 39(3), sch. 7.
		S. 72 restr.	36, s. 4(5).
		Ss. 77, 81, 87, 89, 90, 92, 93, 95-98 am.	S.I. No. 319, art. 5, sch. 3 para. 2.
		S. 102 am.	4, s. 3(5), sch. 2.
		Ss. 104-111, 116, 121 am.	S.I. No. 319, art. 5, sch. 3 para. 2.

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1963: c. 38— <i>cont.</i>	Water Resources Act 1963— <i>cont.</i>	S. 125(6) added S. 126(1) am. S. 131 am. excl. S. 132 appl. Ss. 134, 135, schs. 5, 6 am. Sch. 7. Transfer of functions to Bd. of Trade. Sch. 8 para. 12(1)–(3) rep. Sch. 8 para. 13 appl. Sch. 8 para. 14 appl. Sch. 8 para. 14 am. Sch. 10 am.	S.I. No. 654, art. 3(22). 68, s. 2(3). S.I. No. 319, art. 5 sch. 3 para. 2. S.I. No. 1193. 56, s. 36(2). S.I. No. 319, art. 5 sch. 3 para. 2. S.I. No. 145, arts. 2, 3, sch. 1. 56, s. 39(4), sch. 8 Pt. I. 56, s. 36(2). 56, s. 36(2). 56, s. 39(3), sch. 7. S.I. No. 319, art. 5, sch. 3 para. 2. S.I. No. 1317.
c. 39	Criminal Justice (Scotland) Act 1963.	Apptd. day for ss. 14, 15, 52 in pt., 53 in pt., schs. 1, 5 so far as amdg. ss. 18, 19 of the Prisons (Scotland) Act 1952 (1.7.1965). Sch. 5 rep. so far as amdg. 1945, c. 41.	55, S.L.R.
c. 40	Commonwealth Development Act 1963.	S. 2(2) rep. (saving)	38, s. 3(3), sch.
c. 41	Offices, Shops and Railway Premises Act 1963.	S. 60(1) rep. in pt. S. 90(4) para. (b) rep.	S.I. No. 654, art. 3, sch. 1. 49, s. 58(2), sch. 2.
c. 45	Matrimonial Causes Act 1963.	Rep.	72, s. 45, sch. 2.
c. 46	Local Government (Financial Provision) Act 1963.	Functions applying to Wales transfd. (saving) to Secy. of State. Ss. 1(1)–(3) rep. in pt. S. 6(4) rep. in pt. S. 6(7) am. Ss. 7(3)(4), 8(5)(8), 10(1), (4)–(6), 12(5), 15(1) all rep. in pt.	S.I. No. 319, art. 2, sch. 1. S.I. No. 654, art. 3, sch. 1. S.I. No. 654, art. 3, sch. 1. S.I. No. 602, art. 8. S.I. No. 654, art. 3, sch. 1.
c. 49	Contracts of Employment Act 1963.	Appl. S. 2 appl. (mod.) S. 4A added S. 5(1)–(4) rep. (saving)... .. Sch. 1 para. 7(2) rep. in pt. (<i>retrosp.</i>). Sch. 1 para. 10(1) am., 10A added. Sch. 2 appl. (mod.) Sch. 2 para. 2(4A) added	62, s. 8(2), sch. 1 para. 1(1). 62, s. 40(4). 62, s. 38(2). 62, ss. 38(1), 59(2), sch. 9. 62, ss. 37, 59(2), sch. 9. 62, s. 48(7). 62, s. 40(4). 62, s. 39.

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1963— <i>cont.</i>			
c. 51	Land Compensation (Scotland) Act 1963.	Ss. 3, 5 appl. (<i>temp.</i>) ... Ss. 9, 11 appl. (<i>mod.</i>) ... S. 12 appl. (<i>mod.</i>) ... S. 40 appl.	36, s. 28(4). 36, s. 23(2). 36, s. 23(3). 36, s. 11(1).
c. 59	Electricity and Gas Act 1963.	S. 1(4) rep. S. 2(2) am.	60, s. 1(3)(a). 60, s. 1(3)(b).
1964:			
c. 7	Shipbuilding Credit Act 1964.	Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 8	New Towns Act 1964 ...	Rep. (E.)... .. S. 1(1) rep. (S.)	59, s. 56(3), sch. 12.
c. 9	Public Works Loans Act 1964.	S. 7(1) rep.	25, s. 97(5), sch. 22 Pt. VI.
c. 10	Family Allowances and National Insurance Act 1964.	Rep. exc. s. 3(1)(2) ...	55, S.L.R.
c. 16	Industrial Training Act 1964.	S. 12(1) rep. in pt. (<i>saving</i>) S. 12(2) am., 12(2A) added. S. 12(3) am. rep. in pt.	62, ss. 46(7), 59(2), sch. 9. 62, s. 45. 62, s. 46(5). 62, ss. 46(5), 59(2), sch. 9.
c. 18	Rating (Interim Relief) Act 1964.	Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, art. 2, sch. 1.
c. 21	Television Act 1964 ...	Ext. (Isle of Man) ...	S.I. No. 601.
c. 25	War Damage Act 1964...	S. 5. Functions applying to Wales transf'd. to Secy. of State.	S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 26	Licensing Act 1964 ...	Functions applying to Wales transf'd. to Secy. of State. Pt. VII cont. until end of March 1967. Pt. X. Functions transf'd. to Bd. of Trade.	S.I. No. 319, art. 2, sch. 1. 77, s. 1(2). S.I. No. 145, arts. 2, 3, sch. 1.
c. 29	Continental Shelf Act 1964.	S. 9 excl.... .. S. 9(3) am. S. 10 rep. Rep.	36, s. 1(9), sch. 1 para. 11(2). 36, s. 1(9), sch. 1 para. 11(2). 55, S.L.R. 15, s. 27(1).
c. 36	Dangerous Drugs Act 1964.		
c. 37	Income Tax Management Act 1964.	Appl. (<i>mod.</i>) S. 3(2)(3) rep. in pt. ... S. 7 ext. S. 9 appl. S. 9(6) ext.	25, s. 45(12), sch. 10 Pt. I para. 1. 25, s. 97(5), sch. 22 Pt. V. 25, s. 45(12), sch. 10 Pt. II para. 6. 25, ss. 84(7), 85(10), 94(5), sch. 12 Pt. I para. 3(4). 25, s. 45(12), sch. 10 Pt. II para. 6.

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c. 40	Harbours Act 1964 ...	Ss. 20–25, schs. 3 para. 6, 5. Functions transf'd. to Bd. of Trade.	25, s. 97(5), sch. 22 Pt. V. 25, s. 97(5), sch. 22 Pt. IV. S.I. No. 145, arts. 2, 3, sch. 1.
c. 42	Administration of Justice Act 1964.	S. 56 rep.	43, s. 2(4), sch.
c. 45	Road Traffic Act 1964 ...	Sch. 3 para. 2 restr. Functions applying to Wales transf'd. to Secy. of State.	28, s. 1(2). S.I. No. 319, arts. 3, 9, 10, sch. 2.
c. 47	Merchant Shipping Act 1964.	Apptd. day for com- mencement of Act (26.5.1965). Functions transf'd. to Bd. of Trade.	S.I. No. 317. S.I. No. 145, arts. 2, 3, sch. 1.
c. 48	Police Act 1964 ...	Pensions increase	78, s. 1, sch. I Pt. II para. 3.
c. 49	Finance Act 1964 ...	S. 8(2) expld. S. 8(1) rep. S. 14 rep. S. 15 rep. S. 16(1)(b) rep. S. 17(2)(6) rep. Sch. 1 am.	63, s. 2(2)(b). 25, s. 97(5), sch. 22 Pt. I. 25, s. 97(5), sch. 22 Pt. II. 25, ss. 61(9), 97 (5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. IV. 25, s. 97(5), sch. 22 Pt. V. 25, s. 1(1)(3), sch. 1.

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		Sch. 4 am.	25, s. 1(1)(3), sch. 4.
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		Sch. 5 rep. (E.)	67, s. 55, sch. 6.
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c. 57	Adoption Act 1964 ...	S. 3(4) am.	49, s. 58(1), sch. 1 para. 10.
c. 58	Resale Prices Act 1964 ...	Ss. 1-4. Apptd. day for commencement (30.4.1965).	S.I. No. 228.
		S. 9(1) rep.	61, s. 5(3), sch. 3.
c. 60	Emergency Laws (Re-enactments and Re-peals) Act 1964.	S. 3(2). Functions transf'd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.

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c. 68	New Towns (No. 2) Act 1964.	Rep. (E.)... ..	59, s. 56(3), sch. 12.
c. 72	Fishery Limits Act 1964	Sch. 1 rep. so far as relating to the Salmon and Freshwater Fisheries Act 1923 (c. 16).	68, s. 2(4).
c. 75	Public Libraries and Museums Act 1964.	Functions applying to Wales (exc. under sch. 1) transfd. to Secy. of State.	S.I. No. 319, arts. 2, 9, 10, sch. 1.
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c. 83	New Forest Act 1964 ...	Functions transfd. to Min. of Land and Natural Resources.	S.I. No. 319, arts. 4, 9, 10.
c. 87	Shipping Contracts and Commercial Documents Act 1964.	Ss. 1, 3(2)(a). Functions transfd. to Bd. of Trade.	S.I. No. 145, arts. 2, 3, sch. 1.
c. 90	Spray Irrigation (Scotland) Act 1964.	Appl.	36, s. 23(5).
c. 92	Finance (No. 2) Act 1964	S. 3 am. cont. until end of November 1966.	S.I. No. 903. S.I. No. 2026.
c. 96	National Insurance &c. Act 1964.	Rep. exc. s. 3 and sch. 5 para. 18.	55, S.L.R.
c. 97	Protection from Eviction Act 1964.	S. 3(1)(2) rep. (<i>prosp.</i>) ... Rep. exc. s. 5 (saving) ...	79, s. 4(6), sch. 2. 75, s. 52(1)(2), sch. 7 Pt. 1.
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		Apptd. day for commencement of remaining prospective provisions (1.10.1965).	S.I. No. 1466.
c. 4	Science and Technology Act 1965.	S. 1 ext. Apptd. day for commencement of ss. 3(1)(2), and 3(5) in pt. (1.4.1965).	25, s. 94(3). S.I. No. 597.
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c. 10	Superannuation (Amendment) Act 1965.	<p>S. 17(2). Apptd. day for commencement (1.12.1965).</p> <p>Ss. 1-3, 4(3)-(5) rep., 4(6) rep. in pt., 5 rep. in pt., 6, 7, 8(1)(a), (2)(a) rep., 9(1) rep. in pt., 9(2)(3) (5) rep.</p> <p>Sch. 1 rep. so far as relating to the Foreign Service Act 1943 (c. 35), and the Superannuation Act 1949 (c. 44).</p> <p>Sch. 2 rep. exc. paras. 11, 12(3)(4), 24 so far as relating to s. 6 of the Administration of Justice (Pensions) Act 1950, and except para. 26.</p> <p>Sch. 2 para. 25 am. (E.) (S.).</p> <p>Schs. 3, 4 rep.</p>	<p>S.I. No. 1879.</p> <p>74, s. 104(2), sch. 11.</p> <p>74, s. 104(2), sch. 11.</p> <p>74, s. 104(2), sch. 11.</p> <p>73, s. 2(5), sch. 11.</p>
c. 11	Ministerial Salaries and Members' Pensions Act 1965.	<p>Ss. 1, 2 rep.</p> <p>Ss. 8-10 appl. (mod.)</p> <p>S. 14(2). Power to am... ..</p> <p>S. 16 rep.</p> <p>S. 17 saved</p> <p>S. 17(4) rep.</p> <p>Schs. 1 rep., 4 rep. so far as amdg. the Ministers of the Crown Act 1937 (c. 38).</p>	<p>58, s. 9(1), sch. 2.</p> <p>58, s. 3(4).</p> <p>32 s. 6.</p> <p>58, s. 9(1), sch. 2.</p> <p>58, s. 3(3).</p> <p>78, s. 8(2).</p> <p>58, s. 9(1), sch. 2.</p>
c. 12	Industrial and Provident Societies Act 1965.	<p>Apptd. day for commencement of Act (1.1.1966).</p> <p>S. 23(3)(c) am.</p> <p>S. 23. Power to am.</p> <p>S. 24(4) rep. (E.) (S.)</p> <p>S. 25(1) am.</p> <p>rep. in pt.</p>	<p>S.I. No. 2051.</p> <p>32, s. 2, sch. 2.</p> <p>32, s. 6.</p> <p>32, ss. 4(1)(3), 7(6), sch. 4.</p> <p>32, ss. 1(1), 3, schs. 1 Pt. 1, 3.</p> <p>32, ss. 3, 7(6), schs. 3, 4.</p>
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c. 19	Teaching Council (Scotland) Act 1965.	"Vesting date" (1.4.1966)	S.I. No. 2031.
c. 31	Solicitors Act 1965 ...	S. 17(2) am.	56, s. 38(1)(2), sch. 6.
		<p>Apptd. day for commencement of Act exc. for s. 16 (1.11.1965).</p> <p>Apptd. day for commencement of ss. 3, 5, 6-8, 17, 25-30, sch. 2, schs. 3 and 4 in pt. (17.8.1965).</p>	S.I. No. 1852.
			S.I. No. 1573.

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c. 33	Control of Office and Industrial Development Act 1965.	Pt. I (ss. 1-18) exc. s. 12(3) rep. (saving) (6.8.1972).	33, s. 18(6).
c. 36	Gas Act 1965	Apptd. day for commencement of Pt. II (1.12.1965).	S.I. No. 1983.
c. 44	Firearms Act 1965	Apptd. day for commencement of ss. 7-9 E. and W.) (1.11.1965).	S.I. No. 1577.
c. 45	Backing of Warrants (Republic of Ireland) Act 1965.	Apptd. day for commencement of ss. 7-9 (S.) (1.11.1965).	S.I. No. 1649.
c. 45	Backing of Warrants (Republic of Ireland) Act 1965.	Apptd. day for commencement of prospective provisions (15.11.1965).	S.I. No. 1850.
c. 51	National Insurance Act 1965.	Apptd. day for commencement of Act (6.9.1965).	S.I. No. 1650.
		Appl.	54, s. 2(1)-(3).
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		S. 1 expld.	75, s. 22(4).
		S. 7 excl.	54, s. 2(3).
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		Ss. 46 (exc. subs. (6)), 47 appl.	52, s. 82(2).
		S. 48(2) saved	52, s. 44(2).
		S. 58 excl.	53, s. 5(1).
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		Pt. IV (ss. 64-82) appl.	52, s. 35(2).
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